

OFFICE OF MUSEUM SERVICES

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Patrice M. Arent

House Sponsor: David Clark

Cosponsors:

Dan R. Eastman

Karen Hale

Thomas V. Hatch

John W. Hickman

Peter C. Knudson

LONG TITLE

General Description:

This bill modifies provisions of the Department of Community and Culture related to the relocation of the Office of Museum Services within the Division of Housing and Community Development to the Division of Arts and Museums.

Highlighted Provisions:

This bill:

- ▶ provides for the relocation of the Offices of Museum Services from the Division of Housing and Community Development to the Division of Arts and Museums within the Department of Community and Culture;
- ▶ changes the name of the Division of Fine Arts to the Division of Arts and Museums; and
- ▶ makes certain technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



- 28 **9-6-102**, as enacted by Chapter 241, Laws of Utah 1992
- 29 **9-6-201**, as renumbered and amended by Chapter 241, Laws of Utah 1992
- 30 **9-6-301**, as renumbered and amended by Chapter 241, Laws of Utah 1992
- 31 **9-6-307**, as renumbered and amended by Chapter 241, Laws of Utah 1992
- 32 **63C-9-601**, as enacted by Chapter 285, Laws of Utah 1998

33 RENUMBERS AND AMENDS:

- 34 **9-6-601**, (Renumbered from 9-4-1001, as enacted by Chapter 253, Laws of Utah 1993)
- 35 **9-6-602**, (Renumbered from 9-4-1002, as last amended by Chapter 18, Laws of Utah
- 36 2004)
- 37 **9-6-603**, (Renumbered from 9-4-1003, as enacted by Chapter 253, Laws of Utah 1993)
- 38 **9-6-604**, (Renumbered from 9-4-1004, as last amended by Chapters 194 and 243, Laws
- 39 of Utah 1996)
- 40 **9-6-605**, (Renumbered from 9-4-1005, as enacted by Chapter 253, Laws of Utah 1993)
- 41 **9-6-606**, (Renumbered from 9-4-1006, as enacted by Chapter 253, Laws of Utah 1993)
- 42 **9-6-607**, (Renumbered from 9-4-1007, as enacted by Chapter 253, Laws of Utah 1993)

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

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

46 **9-6-102. Definitions.**

47 As used in this chapter:

- 48 (1) "Board" means the Board of Directors of the Utah Arts Council.
- 49 (2) "Council" means the Utah Arts Council.
- 50 (3) "Director" means the director of the Division of ~~[Fine]~~ Arts and Museums.
- 51 (4) "Division" means the Division of ~~[Fine]~~ Arts and Museums.

52 ~~[(5) "Institute" means the Institute of Fine Arts.]~~

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

54 **9-6-201. Division of Arts and Museums -- Creation -- Powers and duties.**

- 55 (1) There is created within the department the Division of ~~[Fine]~~ Arts and Museums
- 56 under the administration and general supervision of the executive director or the designee of
- 57 the executive director.
- 58 (2) The division shall be under the policy direction of the board.

59 (3) The division shall advance the interests of the arts, in all their phases, within the
60 state [of Utah], and to that end shall:

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

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

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

66 (d) utilize broadcasting facilities and the power of the press in disseminating
67 information; and

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

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

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

75 Section 3. Section **9-6-301** is amended to read:

76 **Part 3. Utah Arts Council**

77 **9-6-301. Creation -- Members.**

78 (1) There is created the [~~Institute of Fine~~] Utah Arts Council.

79 (2) Members of the [~~institute~~] council may be of the following four classes:

80 (a) members of the board;

81 (b) honorary members;

82 (c) annual members; and

83 (d) life members.

84 Section 4. Section **9-6-307** is amended to read:

85 **9-6-307. Application of funds received by council.**

86 All money received by the [~~institute~~] council shall be applied or expended in the
87 furtherance of the arts as ordered by the director under policies established by the board.

88 Section 5. Section **9-6-601**, which is renumbered from Section 9-4-1001 is renumbered
89 and amended to read:

Part 6. Office of Museum Services

~~9-4-1001~~. 9-6-601. Definitions.

As used in this part:

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

(a) owns or utilizes tangible collections[;];

(b) cares for them[;]; and

(c) exhibits them to the public on [~~some~~] a regular schedule.

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

Section 6. Section **9-6-602**, which is renumbered from Section 9-4-1002 is renumbered and amended to read:

~~9-4-1002~~. 9-6-602. Office of Museum Services created -- Purpose.

(1) There is created within the Division of [~~Housing and Community Development~~] Arts and Museums the Office of Museum Services.

(2) The office shall assist Utah museums in improving their ability to;

(a) care for and manage collections[;];

(b) develop quality educational resources such as exhibitions, collections, and publications[;]; and

(c) provide access to collections for research.

Section 7. Section **9-6-603**, which is renumbered from Section 9-4-1003 is renumbered and amended to read:

~~9-4-1003~~. 9-6-603. Duties of office.

The office shall:

(1) recommend to the Museum Services Advisory Board:

(a) policies regarding;

(i) a grants program; and

~~[(b) policies regarding]~~ (ii) the equitable dissemination of office technical assistance;

and

~~[(c)]~~ (b) guidelines for determining eligibility for office grants;

(2) advise state and local government agencies and employees regarding museum related issues, including museum capital development projects;

121 (3) provide to Utah museums technical advice and information about sources of direct
122 technical assistance;

123 (4) assist and advise Utah museums in locating sources of training for their museum
124 staff members;

125 (5) develop and coordinate programs, workshops, seminars, and similar activities
126 designed to provide training for staff members of [the] Utah museums;

127 (6) undertake scholarly research as necessary to understand the training needs of the
128 museum community and to assess how those needs could best be met; and

129 (7) administer a state Museum Grant Program to assist eligible Utah museums.

130 Section 8. Section **9-6-604**, which is renumbered from Section 9-4-1004 is renumbered
131 and amended to read:

132 ~~[9-4-1004]~~. **9-6-604. Museum Services Advisory Board -- Membership.**

133 (1) There is created the Museum Services Advisory Board.

134 (2) The board shall consist of 11 members appointed by the governor.

135 (3) The governor shall ensure that the board includes:

136 (a) at least six members who are qualified, trained, and experienced museum
137 professionals, three of whom shall have a minimum of five years continuous paid work
138 experience in a museum and be drawn from a list proposed by the Utah Museums Association;

139 (b) other persons with an interest in Utah's museums; and

140 (c) representation from throughout Utah.

141 (4) (a) Advisory board members shall be appointed for terms of four years except that
142 three shall initially be appointed for two years, four for three years, and four for four years [~~and~~
143 ~~shall~~].

144 (b) They serve until their successors are appointed and qualified.

145 (5) (a) The governor shall appoint the chair of the board.

146 (b) The board shall choose a vice chair from its own members.

147 (c) Members may be reappointed for one additional term only, unless the governor
148 determines that unusual circumstances warrant a further term.

149 (6) When a vacancy occurs in the membership for any reason, the replacement shall be
150 appointed for the unexpired term.

151 (7) Six members of the board [~~shall~~] constitute a quorum for the transaction of

152 business.

153 (8) The advisory board shall meet at least once a year.

154 (9) (a) Members shall receive no compensation or benefits for their services, but may
155 receive per diem and expenses incurred in the performance of the member’s official duties at
156 the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

157 (b) Members may decline to receive per diem and expenses for their service.

158 (10) The department shall pay those expenses on warrant to the Division of Finance
159 from money in the budget appropriated for that purpose.

160 Section 9. Section **9-6-605**, which is renumbered from Section 9-4-1005 is renumbered
161 and amended to read:

162 **~~[9-4-1005].~~ 9-6-605. Board -- Duties.**

163 (1) The board ~~[shall be]~~ is the policymaking body for the office.

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

165 (a) set policies and ~~[write]~~, in accordance with Title 63, Chapter 46a, Utah

166 Administrative Rulemaking Act, make rules governing:

167 (i) the office grants program; and

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

169 (b) set eligibility guidelines for grants administered through the office~~[-and]~~.

170 ~~[(c) set policies and make rules governing the awarding of grants to assist Utah's~~
171 ~~eligible museums.]~~

172 Section 10. Section **9-6-606**, which is renumbered from Section 9-4-1006 is
173 renumbered and amended to read:

174 **~~[9-4-1006].~~ 9-6-606. Office limitations.**

175 The office may not:

176 (1) collect, manage, borrow, or purchase artifacts, objects, or other items for its own
177 collection;

178 (2) operate its own exhibit or display area; or

179 (3) direct any action to be taken or make any mandatory policies to be followed by an
180 individual ~~[museums]~~ museum or ~~[their]~~ its parent ~~[agencies]~~ agency.

181 Section 11. Section **9-6-607**, which is renumbered from Section 9-4-1007 is
182 renumbered and amended to read:

183 ~~[9-4-1007].~~ 9-6-607. **Office director.**

184 (1) The ~~[director of the office shall be appointed by the]~~ executive director of the
185 department, after consultation with the board~~[-]~~, shall appoint the director of the office.

186 (2) The director shall have a graduate degree in museum studies or a related field or
187 comparable nonformal training and preferably a minimum of five years continuous paid work
188 service in a museum.

189 Section 12. Section **63C-9-601** is amended to read:

190 **63C-9-601. Responsibility for items.**

191 Furniture, furnishings, fixtures, works of art, and decorative objects for which the board
192 has responsibility under this chapter are not subject to the custody or control of the State
193 Library Board, State Library Division, the Division of Archives and Records Service, the
194 Division of State History, the Office of Museum Services, the Utah Arts Council, the Division
195 of ~~[Fine] Arts[-, the Institute of Fine Arts]~~ and Museums, the Alice Art Collection Committee,
196 or any other state agency.

Legislative Review Note
as of 11-10-05 10:11 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Interim Committee Note
as of 12-22-05 9:38 AM

The Workforce Services and Community and Economic Development Interim Committee recommended this bill.