

**GRANTS FROM DEPARTMENT OF COMMUNITY  
AND CULTURE**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Sheryl L. Allen**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

▶ provides that the Board of Directors of the Utah Arts Council, the Museum Services Advisory Board, the State Library Board, and the Board of State History prepare and submit an annual request to the governor and Legislature for prioritized capital facilities grants to be awarded to eligible applicants;

▶ provides an annual cutoff date for receiving grant applications and for submission of prioritized capital requests to the governor and Legislature;

▶ allows divisions within the Department of Community and Culture charged with administering an independent grant to use up to 3% of the grant money for technical assistance and administrative overhead costs; and

▶ makes certain technical changes.

**Monies Appropriated in this Bill:**

This bill appropriates:



28           ▶ as an ongoing appropriation subject to future budget constraints, \$9,000,000 from  
29 the General Fund for fiscal year 2008-09 to the Department of Community and  
30 Culture.

31 **Other Special Clauses:**

32           None

33 **Utah Code Sections Affected:**

34 AMENDS:

35           **9-6-205**, as last amended by Laws of Utah 2005, Chapter 48

36           **9-6-605**, as renumbered and amended by Laws of Utah 2006, Chapter 24

37           **9-7-205**, as last amended by Laws of Utah 2001, Chapter 73

38           **9-8-205**, as last amended by Laws of Utah 1997, Chapter 353



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

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

41           **9-6-205. Board powers and duties.**

42           (1) The board may:

43           (a) make, amend, or repeal rules for the conduct of its business in governing the  
44 institute and the division in accordance with Title 63, Chapter 46a, Utah Administrative  
45 Rulemaking Act;

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

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

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

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

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

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

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

57           (c) The board shall accept applications for capital facilities grants through June 1 of  
58

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

61 (4) When charged with administering an independent grant, the Division of Arts and  
62 Museums may retain up to 3% of the money provided for the grant for technical assistance and  
63 administrative overhead costs, but not less than \$500 nor more than \$10,000 dependent on the  
64 size and complexity of the grant being administered.

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

66 **9-6-605. Board -- Duties.**

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

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

69 (a) set policies and, in accordance with Title 63, Chapter 46a, Utah Administrative  
70 Rulemaking Act, make rules governing:

71 (i) the office grants program; and

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

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

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

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

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

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

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

84 (4) When charged with administering an independent grant, the Division of Arts and  
85 Museums may retain up to 3% of the money provided for the grant for technical assistance and  
86 administrative overhead costs, but not less than \$500 nor more than \$10,000 dependent on the  
87 size and complexity of the grant being administered.

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

89 **9-7-205. Duties of board and director.**

- 90 (1) The board shall:
- 91 (a) promote, develop, and organize a state library and make provisions for its housing;
- 92 (b) promote and develop library services throughout the state in cooperation with [~~any~~
- 93 ~~and all~~] other state or municipal libraries, schools, or other agencies wherever practical;
- 94 (c) promote the establishment of district, regional, or multicounty libraries as
- 95 conditions within particular areas of the state may require;
- 96 (d) supervise the books and materials of the state library and require the keeping of
- 97 careful and complete records of the condition and affairs of the state library [~~to be kept~~];
- 98 (e) establish policies for the administration of the division and for the control,
- 99 distribution, and lending of books and materials to those libraries, institutions, groups, or
- 100 individuals entitled to them under this chapter;
- 101 (f) serve as the agency of the state for the administration of [~~any~~] state or federal funds
- 102 that may be appropriated to further library development within the state;
- 103 (g) aid and provide general advisory assistance in the development of statewide school
- 104 library service and encourage contractual and cooperative relations between school and public
- 105 libraries;
- 106 (h) give assistance, advice, and counsel to all tax-supported libraries [~~of any type~~]
- 107 within the state and to all communities or persons proposing to establish them and conduct
- 108 courses and institutes on the approved methods of operation, selection of books, or other
- 109 activities necessary to the proper administration of a library;
- 110 (i) furnish or contract for the furnishing of library or information service to state
- 111 officials, state departments, or any groups that in the opinion of the director warrant the
- 112 furnishing of those services, particularly through the facilities of traveling libraries to those
- 113 parts of the state otherwise inadequately supplied by libraries;
- 114 (j) where sufficient need exists and if the director considers it advisable, establish and
- 115 maintain special departments in the state library to provide services for the blind, visually
- 116 impaired, persons with disabilities, and professional, occupational, and other groups;
- 117 (k) administer a depository library program by collecting state publications, and
- 118 providing a bibliographic information system;
- 119 (l) require [~~that~~] the collection of information and statistics necessary to the work of
- 120 the state library [~~be collected,~~] and [~~that~~] the distribution of findings and reports [~~be published~~];

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

123 (n) develop standards for public libraries.

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

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

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

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

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

134 (3) When charged with administering an independent grant, the State Library Division  
135 may retain up to 3% of the money provided for the grant for technical assistance and  
136 administrative overhead costs, but not less than \$500 nor more than \$10,000 dependent on the  
137 size and complexity of the grant being administered.

138 ~~[(2)]~~ (4) The director shall, under the policy direction of the board, carry out the  
139 responsibilities under Subsection (1).

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

141 **9-8-205. Board duties and powers.**

142 (1) The board shall:

143 (a) make policies to direct the division director in carrying out ~~[his]~~ the director's  
144 duties;

145 (b) approve the division's rules;

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

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

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

151 (f) review and approve, if appropriate, matching grants under Subsection

152 9-8-203(3)(~~b~~)(c)(ii); and

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

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

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

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

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

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

164 (3) When charged with administering an independent grant, the Division of State  
165 History may retain up to 3% of the money provided for the grant for technical assistance and  
166 administrative overhead costs, but not less than \$500 nor more than \$10,000 dependent on the  
167 size and complexity of the grant being administered.

168 [~~2~~] (4) The board may establish advisory committees to assist it and the division in  
169 carrying out their responsibilities under this chapter.

170 Section 5. **Appropriation.**

171 (1) As an ongoing appropriation subject to future budget constraints, there is  
172 appropriated from the General Fund for fiscal year 2008-09, \$9,000,000 to the Department of  
173 Community and Culture to fund the programmatic component of the grant programs  
174 administered by divisions within the Department under Title 9, Chapters 6, 7, and 8 as follows:

175 (a) \$4,000,000 to the Division of Arts and Museums, \$2,700,000 of which shall go to  
176 the Board of Directors of the Utah Arts Council and \$1,300,000 of which shall go to the Office  
177 of Museum Services and the Museum Services Advisory Board;

178 (b) \$4,000,000 to the State Library Division and the State Library Board; and

179 (c) \$1,000,000 to the Division of State History and the State History Board.

180 (2) Subject to future budget constraints, this appropriation shall be adjusted annually to  
181 compensate for:

182 (a) the percentage increase or decrease in the estimated population of Utah as released

183 each July 1 by the Utah Population Estimates Committee; and

184 (b) the annual percentage increase in the Consumer Price Index, All Urban Consumers,  
185 U.S. City Average, Seasonally Adjusted, as published for the month of July, each calendar  
186 year.

187 (3) The Office of the Legislative Fiscal Analyst shall calculate the annual General Fund  
188 adjustments described in Subsection (2) for consideration in an appropriations bill during each  
189 annual general session.

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**Legislative Review Note**  
**as of 1-15-08 8:20 AM**

**Office of Legislative Research and General Counsel**

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**H.B. 135 - Grants from Department of Community and Culture**

**Fiscal Note**

2008 General Session  
State of Utah

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**State Impact**

Enactment of this bill would appropriate \$9,000,000 to the Division of Community and Culture for a variety of grants programs.

	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>	<u>FY 2010</u> <u>Revenue</u>
General Fund	\$0	\$9,000,000	\$9,000,000	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$9,000,000</b>	<b>\$9,000,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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**Individual, Business and/or Local Impact**

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