

1 **CAPITAL FACILITIES REVISIONS**

2 2016 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Rebecca P. Edwards**

5 Senate Sponsor: Jerry W. Stevenson

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions related to the Department of Heritage and Arts.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines pass-through funding;
- 13 ▶ provides department duties related to pass-through funding;
- 14 ▶ removes references and certain requirements related to pass-through funding and
- 15 capital facilities grants; and
- 16 ▶ makes technical changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 **AMENDS:**

- 23 **9-1-102**, as last amended by Laws of Utah 2012, Chapter 212
- 24 **9-1-201**, as last amended by Laws of Utah 2014, Chapter 371
- 25 **9-6-102**, as last amended by Laws of Utah 2012, Chapter 212
- 26 **9-6-201**, as last amended by Laws of Utah 2015, Chapter 350
- 27 **9-6-205**, as last amended by Laws of Utah 2014, Chapter 189



- 28 **9-6-603**, as last amended by Laws of Utah 2010, Chapter 111
- 29 **9-6-605**, as last amended by Laws of Utah 2012, Chapter 212
- 30 **9-7-101**, as last amended by Laws of Utah 2010, Chapter 111
- 31 **9-7-203**, as last amended by Laws of Utah 2010, Chapter 111
- 32 **9-7-205**, as last amended by Laws of Utah 2010, Chapter 111
- 33 **9-8-102**, as last amended by Laws of Utah 2010, Chapter 111
- 34 **9-8-203**, as last amended by Laws of Utah 2014, Chapter 123
- 35 **9-8-205**, as last amended by Laws of Utah 2010, Chapter 111



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

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

39 **9-1-102. Definitions.**

40 As used in this title:

41 (1) "Executive director" means the executive director of the Department of Heritage
42 and Arts.

43 (2) "Department" means the Department of Heritage and Arts.

44 (3) (a) "Pass-through funding" means funding from an appropriation by the Legislature
45 to a state agency that is intended to be passed through the state agency to:

46 (i) a government or local-government entity;

47 (ii) a private entity, including a not-for-profit entity; or

48 (iii) a person in the form of a loan or a grant.

49 (b) The funding may come from general funds, federal funds, dedicated credits, or a
50 combination of funding sources.

51 Section 2. Section **9-1-201** is amended to read:

52 **9-1-201. Department of Heritage and Arts -- Creation -- Powers and duties.**

53 (1) There is created the Department of Heritage and Arts.

54 (2) The department shall:

55 (a) be responsible for preserving and promoting the heritage of the state, the arts in the
56 state, and cultural development within the state;

57 (b) perform heritage, arts, and cultural development planning for the state;

58 (c) coordinate the program plans of the various divisions within the department;

59 (d) administer and coordinate all state or federal grant programs which are, or become,
60 available for heritage, arts, and cultural development;

61 (e) administer any other programs over which the department is given administrative
62 supervision by the governor;

63 (f) submit an annual written report to the governor and the Legislature as described in
64 Section 9-1-208; and

65 (g) perform any other duties as provided by the Legislature.

66 (3) The department may solicit and accept contributions of money, services, and
67 facilities from any other sources, public or private, but may not use those contributions for
68 publicizing the exclusive interest of the donor.

69 (4) Money received under Subsection (3) shall be deposited in the General Fund as
70 restricted revenues of the department.

71 (5) (a) For a pass-through funding grant of \$25,000 or more, the department shall make
72 quarterly disbursements to the pass-through funding grant recipient, contingent upon the
73 department receiving a quarterly progress report from the pass-through grant recipient.

74 (b) The department shall:

75 (i) provide the pass-through grant recipient with a progress report form for the
76 reporting purposes described in Subsection (5)(a); and

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

78 Section 3. Section 9-6-102 is amended to read:

79 **9-6-102. Definitions.**

80 As used in this chapter:

81 (1) "Advisory board" means the Museum Services Advisory Board created in Section
82 9-6-604.

83 (2) "Board" means the Board of Directors of the Utah Arts Council created in Section
84 9-6-204.

85 (3) "Council" means the Utah Arts Council created in Section 9-6-301.

86 (4) "Director" means the director of the Division of Arts and Museums.

87 (5) "Division" means the Division of Arts and Museums.

88 (6) "Museum" means an organized and permanent institution that:

89 (a) is owned or controlled by the state, a county, or a municipality, or is a nonprofit

90 organization;

91 (b) has an educational or aesthetic purpose;

92 (c) owns or curates a tangible collection; and

93 (d) exhibits the collection to the public on a regular schedule.

94 (7) "Office" means the Office of Museum Services created in Section 9-6-602.

95 ~~[(8)(a) "Pass-through funding" means funds appropriated by the Legislature to a state~~
96 ~~agency that are intended to be passed through the state agency to:]~~

97 ~~[(i) local governments;]~~

98 ~~[(ii) other government agencies;]~~

99 ~~[(iii) private organizations, including not-for-profits; or]~~

100 ~~[(iv) persons in the form of a loan or grant.]~~

101 ~~[(b) The funding may be:]~~

102 ~~[(i) general funds, federal funds, dedicated credits, or any combination of funding~~
103 ~~sources; and]~~

104 ~~[(ii) ongoing or one-time.]~~

105 Section 4. Section 9-6-201 is amended to read:

106 **9-6-201. Division of Arts and Museums -- Creation -- Powers and duties.**

107 (1) There is created within the department the Division of Arts and Museums under the
108 administration and general supervision of the executive director or the designee of the
109 executive director.

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

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

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

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

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

118 (d) utilize broadcasting facilities and the power of the press in disseminating
119 information; and

120 (e) foster, promote, encourage, and facilitate, not only a more general and lively study

121 of the arts, but take all necessary and useful means to stimulate a more abundant production of
122 an indigenous art in this state.

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

125 (5) Except for arts development projects under Section 9-6-804, the division may not
126 grant funds for the support of any arts project under this section unless the project has been first
127 approved by the board.

128 ~~[(6)(a) For a pass-through funding grant of at least \$25,000, the division shall make~~
129 ~~quarterly disbursements to the pass-through funding grant recipient, contingent upon the~~
130 ~~division receiving a quarterly progress report from the pass-through grant recipient.]~~

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

132 ~~[(i) provide the pass-through grant recipient with a progress report form for the~~
133 ~~reporting purposes of Subsection (6)(a); and]~~

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

135 Section 5. Section 9-6-205 is amended to read:

136 **9-6-205. Board powers and duties.**

137 (1) The board may:

138 (a) make, amend, or repeal rules for the conduct of its business in governing the
139 council in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

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

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

143 (2) The board shall make policy for the council.

144 ~~[(3)(a) By September 30 of each year, the board shall prepare and submit a request to~~
145 ~~the governor and the Legislature for prioritized capital facilities grants to be awarded to eligible~~
146 ~~individuals and organizations under this part, Part 3, Utah Arts Council, Part 4, Utah~~
147 ~~Percentage-for-Art Act, and Part 5, State Arts Endowment.]~~

148 ~~[(b) The board shall prepare a list of the requested capital facilities grants in a~~
149 ~~prioritized order and include a written explanation of:]~~

150 ~~[(i) the total grant amount requested in the list; and]~~

151 ~~[(ii) the basis of its prioritization of requested grants on the list.]~~

152 ~~[(c) The board shall accept applications for capital facilities grants through June 1 of~~
153 ~~each year, prior to compiling and submitting its yearly request to the governor and the~~
154 ~~Legislature under Subsection (3)(a).]~~

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

156 **9-6-603. Duties of office.**

157 ~~[(+)]~~ The office shall:

158 ~~[(a)]~~ (1) recommend to the Museum Services Advisory Board:

159 ~~[(+)]~~ (a) policies regarding:

160 ~~[(A)]~~ (i) a grants program; and

161 ~~[(B)]~~ (ii) the equitable dissemination of office technical assistance; and

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

163 ~~[(b)]~~ (2) advise state and local government agencies and employees regarding museum
164 related issues, including museum capital development projects;

165 ~~[(c)]~~ (3) provide to Utah museums technical advice and information about sources of
166 direct technical assistance;

167 ~~[(d)]~~ (4) assist and advise Utah museums in locating sources of training for their
168 museum staff members;

169 ~~[(e)]~~ (5) develop and coordinate programs, workshops, seminars, and similar activities
170 designed to provide training for staff members of Utah museums;

171 ~~[(f)]~~ (6) undertake scholarly research as necessary to understand the training needs of
172 the museum community and to assess how those needs could best be met;

173 ~~[(g)]~~ (7) administer a state Museum Grant Program to assist eligible Utah museums;
174 and

175 ~~[(h)]~~ (8) establish a program by January 1, 2009, by rule, creating a certified local
176 museum designation, including any provisions necessary to ensure public confidence in
177 charitable solicitation undertaken by a certified local museum.

178 ~~[(2) (a) For a pass-through funding grant of at least \$25,000, the office shall make~~
179 ~~quarterly disbursements to the pass-through funding grant recipient, contingent upon the office~~
180 ~~receiving a quarterly progress report from the pass-through grant recipient.]~~

181 ~~[(b) The office shall:]~~

182 ~~[(i) provide the pass-through grant recipient with a progress report form for the~~

183 ~~reporting purposes of Subsection (2)(a); and]~~

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

185 Section 7. Section **9-6-605** is amended to read:

186 **9-6-605. Advisory board -- Duties.**

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

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

189 (a) set policies and, in accordance with Title 63G, Chapter 3, Utah Administrative
190 Rulemaking Act, make rules governing:

191 (i) the office grants program; and

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

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

194 ~~[(3)(a) By September 30 of each year, the advisory board shall prepare and submit a~~
195 ~~request to the governor and the Legislature for prioritized capital facilities grants to be awarded~~
196 ~~to eligible museums under this part.]~~

197 ~~[(b) The advisory board shall prepare a list of the requested capital facilities grants in a~~
198 ~~prioritized order and include a written explanation of:]~~

199 ~~[(i) the total grant amount requested in the list; and]~~

200 ~~[(ii) the basis of its prioritization of requested grants on the list.]~~

201 ~~[(c) The advisory board shall accept applications for capital facilities grants through~~
202 ~~June 1 of each year, prior to compiling and submitting its yearly request to the governor and the~~
203 ~~Legislature under Subsection (3)(a).:]~~

204 Section 8. Section **9-7-101** is amended to read:

205 **9-7-101. Definitions.**

206 As used in this chapter:

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

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

211 ~~[(3)(a) "Pass-through funding" means funds appropriated by the Legislature to a state~~
212 ~~agency that are intended to be passed through the state agency to:]~~

213 ~~[(i) local governments;]~~

214 ~~[(ii) other government agencies;]~~
215 ~~[(iii) private organizations, including not-for-profits; or]~~
216 ~~[(iv) persons in the form of a loan or grant.]~~
217 ~~[(b) The funding may be:]~~
218 ~~[(i) general funds, federal funds, dedicated credits, or any combination of funding~~
219 ~~sources; and]~~
220 ~~[(ii) ongoing or one-time.]~~
221 ~~[(4)]~~ (3) "Physical format" means a transportable medium in which analog or digital
222 information is published, such as print, microform, magnetic disk, or optical disk.
223 ~~[(5)]~~ (4) "Policy" means the public library online access policy adopted by a library
224 board to meet the requirements of Section 9-7-215.
225 ~~[(6)]~~ (5) "Political subdivision" means a county, city, town, school district, public
226 transit district, redevelopment agency, or special improvement or taxing district.
227 ~~[(7)]~~ (6) "State agency" means the state, an office, department, agency, authority,
228 commission, board, institution, hospital, college, university, or other instrumentality of the
229 state.
230 ~~[(8)]~~ (7) (a) "State publication" means a book, compilation, directory, document,
231 contract or grant report, hearing memorandum, journal, law, legislative bill, magazine, map,
232 monograph, order, ordinance, pamphlet, periodical, proceeding, public memorandum,
233 resolution, register, rule, report, statute, audiovisual material, electronic publication,
234 micrographic form and tape or disc recording regardless of format or method of reproduction,
235 issued or published by a state agency or political subdivision for distribution.
236 (b) "State publication" does not include correspondence, internal confidential
237 publications, office memoranda, university press publications, or publications of the state
238 historical society.
239 Section 9. Section 9-7-203 is amended to read:
240 **9-7-203. Division duties.**
241 ~~[(+)]~~ The division shall:
242 ~~[(a)]~~ (1) establish, operate, and maintain a state publications collection, a digital library
243 of state publications, a bibliographic control system, and depositories as provided in this part;
244 ~~[(b)]~~ (2) cooperate with:

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

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

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

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

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

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

258 [(b) The division shall:]

259 [(i) provide the pass-through grant recipient with a progress report form for the
 260 reporting purposes of Subsection (2)(a); and]

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

262 Section 10. Section **9-7-205** is amended to read:

263 **9-7-205. Duties of board and director.**

264 (1) The board shall:

265 (a) promote, develop, and organize a state library and make provisions for its housing;

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

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

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

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

275 (f) serve as the agency of the state for the administration of state or federal funds that

276 may be appropriated to further library development within the state;

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

280 (h) give assistance, advice, and counsel to all tax-supported libraries within the state
281 and to all communities or persons proposing to establish them and conduct courses and
282 institutes on the approved methods of operation, selection of books, or other activities
283 necessary to the proper administration of a library;

284 (i) furnish or contract for the furnishing of library or information service to state
285 officials, state departments, or any groups that in the opinion of the director warrant the
286 furnishing of those services, particularly through the facilities of traveling libraries to those
287 parts of the state otherwise inadequately supplied by libraries;

288 (j) where sufficient need exists and if the director considers it advisable, establish and
289 maintain special departments in the state library to provide services for the blind, visually
290 impaired, persons with disabilities, and professional, occupational, and other groups;

291 (k) administer a depository library program by collecting state publications, and
292 providing a bibliographic information system;

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

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

297 (n) develop standards for public libraries.

298 ~~[(2) (a) By September 30 of each year, the board shall prepare and submit a request to~~
299 ~~the governor and the Legislature for prioritized capital facilities grants to be awarded to eligible~~
300 ~~libraries under this chapter.]~~

301 ~~[(b) The board shall prepare a list of the requested capital facilities grants in a~~
302 ~~prioritized order and include a written explanation of:]~~

303 ~~[(i) the total grant amount requested in the list; and]~~

304 ~~[(ii) the basis of its prioritization of requested grants on the list.]~~

305 ~~[(c) The board shall accept applications for capital facilities grants through June 1 of~~
306 ~~each year, prior to compiling and submitting its yearly request to the governor and Legislature~~

307 ~~under Subsection (2)(a):]~~

308 ~~[(3)]~~ (2) The director shall, under the policy direction of the board, carry out the
309 responsibilities under Subsection (1).

310 Section 11. Section **9-8-102** is amended to read:

311 **9-8-102. Definitions.**

312 As used in this chapter:

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

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

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

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

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

322 ~~[(6)(a) "Pass-through funding" means funds appropriated by the Legislature to a state
323 agency that are intended to be passed through the state agency to:]~~

324 ~~[(i) local governments;]~~

325 ~~[(ii) other government agencies;]~~

326 ~~[(iii) private organizations, including not-for-profits; or]~~

327 ~~[(iv) persons in the form of a loan or grant.]~~

328 ~~[(b) The funding may be:]~~

329 ~~[(i) general funds, federal funds, dedicated credits, or any combination of funding
330 sources; and]~~

331 ~~[(ii) ongoing or one-time.]~~

332 ~~[(7)]~~ (6) "Society" means the Utah State Historical Society.

333 Section 12. Section **9-8-203** is amended to read:

334 **9-8-203. Division duties.**

335 (1) The division shall:

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

- 338 (b) maintain a specialized history library;
- 339 (c) mark and preserve historic sites, areas, and remains;
- 340 (d) collect, preserve, and administer historical records relating to the history of Utah;
- 341 (e) administer, collect, preserve, document, interpret, develop, and exhibit historical
- 342 artifacts, documentary materials, and other objects relating to the history of Utah for
- 343 educational and cultural purposes;
- 344 (f) edit and publish historical records;
- 345 (g) cooperate with local, state, and federal agencies and schools and museums to
- 346 provide coordinated and organized activities for the collection, documentation, preservation,
- 347 interpretation, and exhibition of historical artifacts related to the state;
- 348 (h) promote, coordinate, and administer:
- 349 (i) Utah History Day at the Capitol designated under Section [63G-1-401](#); and
- 350 (ii) the Utah History Day program affiliated with National History Day, which includes
- 351 a series of regional, state, and national activities and competitions for students from grades 4
- 352 through 12;
- 353 (i) provide grants and technical assistance as necessary and appropriate; and
- 354 (j) comply with the procedures and requirements of Title 63G, Chapter 4,
- 355 Administrative Procedures Act, in its adjudicative proceedings.
- 356 (2) The division may acquire or produce reproductions of historical artifacts and
- 357 documentary materials for educational and cultural use.
- 358 (3) To promote an appreciation of Utah history and to increase heritage tourism in the
- 359 state, the division shall:
- 360 (a) (i) create and maintain an inventory of all historic markers and monuments that are
- 361 accessible to the public throughout the state;
- 362 (ii) enter into cooperative agreements with other groups and organizations to collect
- 363 and maintain the information needed for the inventory;
- 364 (iii) encourage the use of volunteers to help collect the information and to maintain the
- 365 inventory;
- 366 (iv) publicize the information in the inventory in a variety of forms and media,
- 367 especially to encourage Utah citizens and tourists to visit the markers and monuments;
- 368 (v) work with public and private landowners, heritage organizations, and volunteer

369 groups to help maintain, repair, and landscape around the markers and monuments; and
370 (vi) make the inventory available upon request to all other public and private history
371 and heritage organizations, tourism organizations and businesses, and others;

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

374 (ii) enter into cooperative agreements with local governments and other groups and
375 organizations to collect and maintain the information needed for the inventory;

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

378 (iv) encourage cemetery owners to create and maintain geographic information systems
379 to record burial sites and encourage volunteers to do so for inactive and small historic
380 cemeteries;

381 (v) publicize the information in the inventory in a variety of forms and media,
382 especially to encourage Utah citizens to participate in the care and upkeep of historic
383 cemeteries;

384 (vi) work with public and private cemeteries, heritage organizations, genealogical
385 groups, and volunteer groups to help maintain, repair, and landscape cemeteries, grave sites,
386 and tombstones; and

387 (vii) make the inventory available upon request to all other public and private history
388 and heritage organizations, tourism organizations and businesses, and others; and

389 (c) (i) create and maintain a computerized record of cemeteries and burial locations in a
390 state-coordinated and publicly accessible information system;

391 (ii) gather information for the information system created and maintained under
392 Subsection (3)(c)(i) by providing matching grants, upon approval by the board, to:

393 (A) municipal cemeteries;
394 (B) cemetery maintenance districts;
395 (C) endowment care cemeteries;
396 (D) private nonprofit cemeteries;
397 (E) genealogical associations; and
398 (F) other nonprofit groups with an interest in cemeteries; and

399 (iii) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative

400 Rulemaking Act, for granting matching funds under Subsection (3)(c)(ii) to ensure that:

401 (A) professional standards are met; and

402 (B) projects are cost effective.

403 ~~[(4) (a) For a pass-through funding grant of at least \$25,000, the division shall make~~
404 ~~quarterly disbursements to the pass-through funding grant recipient, contingent upon the~~
405 ~~division receiving a quarterly progress report from the pass-through grant recipient.]~~

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

407 ~~[(i) provide the pass-through grant recipient with a progress report form for the~~
408 ~~reporting purposes of Subsection (4)(a); and]~~

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

410 ~~[(5)]~~ (4) This chapter may not be construed to authorize the division to acquire by
411 purchase any historical artifacts, documentary materials, or specimens that are restricted from
412 sale by federal law or the laws of any state, territory, or foreign nation.

413 Section 13. Section **9-8-205** is amended to read:

414 **9-8-205. Board duties and powers.**

415 (1) The board shall:

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

417 (b) approve the division's rules;

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

419 (d) function as the State Review Board for purposes of the historic preservation

420 program;

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

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

424 [9-8-203\(3\)\(c\)\(ii\)](#)~~[-and].~~

425 ~~[(g) function as the board of the society.]~~

426 ~~[(2) (a) By September 30 of each year, the board shall prepare and submit a request to~~
427 ~~the governor and the Legislature for prioritized capital facilities grants to be awarded to eligible~~
428 ~~institutions under this chapter.]~~

429 ~~[(b) The board shall prepare a list of the requested capital facilities grants in a~~
430 ~~prioritized order and include a written explanation of:]~~

431 ~~[(i) the total grant amount requested in the list; and]~~
432 ~~[(ii) the basis of its prioritization of requested grants on the list.]~~
433 ~~[(c) The board shall accept applications for capital facilities grants by June 1 of each~~
434 ~~year, prior to compiling and submitting its yearly request to the governor and Legislature under~~
435 ~~Subsection (2)(a).]~~
436 ~~[(3)]~~ (2) The board may establish advisory committees to assist it and the division in
437 carrying out their responsibilities under this chapter.

Legislative Review Note
Office of Legislative Research and General Counsel