

DEPARTMENT OF HERITAGE AND ARTS AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike Winder

Senate Sponsor: Derek L. Kitchen

LONG TITLE

General Description:

This bill modifies provisions related to the Department of Heritage and Arts (the department).

Highlighted Provisions:

This bill:

- defines terms;
- modifies provisions related to the department's requirements for pass-through funding;
- rennumbers and modifies provisions related to the Utah Commission on Service and Volunteerism;
- modifies provisions related to the State Library Board, county library boards, and city library boards;
- modifies provisions related to historic sites;
- creates the Division of Multicultural Affairs within the department and describes the division's responsibilities;
- creates the Utah Multicultural Commission and describes the commission's membership and responsibilities;
- creates the Utah Martin Luther King, Jr. Human Rights Commission and describes the commission's membership and responsibilities; and
- makes technical changes.



28 Money Appropriated in this Bill:

29 None

30 Other Special Clauses:

31 None

32 Utah Code Sections Affected:**33 AMENDS:**

- 34 **9-1-201**, as last amended by Laws of Utah 2018, Chapter 200
35 **9-7-101**, as last amended by Laws of Utah 2017, Chapter 48
36 **9-7-202**, as enacted by Laws of Utah 1992, Chapter 241
37 **9-7-204**, as last amended by Laws of Utah 2016, Chapter 144
38 **9-7-402**, as renumbered and amended by Laws of Utah 1992, Chapter 241
39 **9-7-403**, as last amended by Laws of Utah 1997, Chapter 10
40 **9-7-404**, as renumbered and amended by Laws of Utah 1992, Chapter 241
41 **9-7-405**, as last amended by Laws of Utah 2005, Chapter 48
42 **9-7-406**, as renumbered and amended by Laws of Utah 1992, Chapter 241
43 **9-7-407**, as renumbered and amended by Laws of Utah 1992, Chapter 241
44 **9-7-408**, as renumbered and amended by Laws of Utah 1992, Chapter 241
45 **9-7-409**, as renumbered and amended by Laws of Utah 1992, Chapter 241
46 **9-7-502**, as last amended by Laws of Utah 1994, Chapter 45
47 **9-7-503**, as last amended by Laws of Utah 1993, Chapters 4, 78, and 227
48 **9-7-504**, as last amended by Laws of Utah 2010, Chapter 378
49 **9-7-505**, as last amended by Laws of Utah 2003, Chapter 47
50 **9-7-506**, as last amended by Laws of Utah 1993, Chapter 227
51 **9-7-507**, as last amended by Laws of Utah 2003, Chapter 47
52 **9-7-509**, as last amended by Laws of Utah 2003, Chapter 47
53 **9-8-102**, as last amended by Laws of Utah 2017, Chapter 48
54 **9-8-202**, as renumbered and amended by Laws of Utah 1992, Chapter 241
55 **9-8-204**, as last amended by Laws of Utah 2010, Chapter 286
56 **9-8-206**, as renumbered and amended by Laws of Utah 1992, Chapter 241
57 **9-8-402**, as last amended by Laws of Utah 1995, Chapter 170
58 **9-8-404**, as last amended by Laws of Utah 2016, Chapter 348

59 **9-8-805**, as last amended by Laws of Utah 2009, Chapter 388

60 ENACTS:

61 **9-21-101**, Utah Code Annotated 1953

62 **9-21-102**, Utah Code Annotated 1953

63 **9-21-201**, Utah Code Annotated 1953

64 **9-21-202**, Utah Code Annotated 1953

65 **9-21-203**, Utah Code Annotated 1953

66 **9-21-301**, Utah Code Annotated 1953

67 **9-21-302**, Utah Code Annotated 1953

68 **9-21-401**, Utah Code Annotated 1953

69 **9-21-402**, Utah Code Annotated 1953

70 RENUMBERS AND AMENDS:

71 **9-20-101**, (Renumbered from 9-1-801, as last amended by Laws of Utah 2014, Chapter
72 189)

73 **9-20-102**, (Renumbered from 9-1-802, as last amended by Laws of Utah 2013, Chapter
74 38)

75 **9-20-201**, (Renumbered from 9-1-803, as last amended by Laws of Utah 2013, Chapter
76 38)

77 **9-20-202**, (Renumbered from 9-1-805, as last amended by Laws of Utah 2013, Chapter
78 38)

79 **9-20-203**, (Renumbered from 9-1-806, as last amended by Laws of Utah 2013, Chapter
80 38)

81 **9-20-204**, (Renumbered from 9-1-808, as last amended by Laws of Utah 2013, Chapter
82 38)

83 **9-20-205**, (Renumbered from 9-1-809, as last amended by Laws of Utah 2013, Chapter
84 38)

85 **9-20-206**, (Renumbered from 9-1-810, as last amended by Laws of Utah 2013, Chapter
86 38)

87 **9-20-207**, (Renumbered from 9-1-811, as repealed and reenacted by Laws of Utah
88 2013, Chapter 38)

89 REPEALS:

90 **9-8-601**, as enacted by Laws of Utah 1991, Chapter 30

91 **9-8-602**, as enacted by Laws of Utah 1991, Chapter 30

92 **9-8-603**, as enacted by Laws of Utah 1991, Chapter 30

93

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

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

96 **9-1-201. Department of Heritage and Arts -- Creation -- Powers and duties.**

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

98 (2) The department shall:

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

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

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

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

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

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

109 (g) ensure that any training or certification required of a public official or public
110 employee, as those terms are defined in Section **63G-22-102**, complies with Title 63G, Chapter
111 22, State Training and Certification Requirements, if the training or certification is required:

112 (i) under this title;

113 (ii) by the department; or

114 (iii) by an agency or division within the department; and

115 (h) perform any other duties as provided by the Legislature.

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

119 (4) Money received under Subsection (3) shall be deposited in the General Fund as

120 ~~H→ [restricted revenues of the department]~~ dedicated credits ~~←H~~ .

(5) (a) For a pass-through funding grant of [~~\$25,000 or more~~] \$50,000 or less, the department shall make [~~quarterly disbursements~~] an annual disbursement to the pass-through funding grant recipient[~~, contingent upon the department receiving a quarterly progress report from 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.

~~[(b)]~~ (c) The department shall:

(i) provide the pass-through funding grant recipient with a progress report form for the reporting purposes described in Subsection (5)[~~(a)~~](b); and

(ii) include reporting requirement instructions with the form.

Section 2. 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](#).

~~[(1)]~~ (2) "Division" means the State Library Division.

~~[(2)]~~ (3) "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.

~~[(3)]~~ (4) "Physical format" means a transportable medium in which analog or digital information is published, such as print, microform, magnetic disk, or optical disk.

~~[(4)]~~ (5) "Policy" means the public library online access policy adopted by a library board to meet the requirements of Section [9-7-215](#).

~~[(5)]~~ (6) "Political subdivision" means a county, city, town, school district, public transit district, redevelopment agency, or special improvement or taxing district.

~~[(6)]~~ (7) "State agency" means:

(a) the state[~~;~~]; or

(b) an office, department, agency, authority, commission, board, institution, hospital, college, university, or other instrumentality of the state.

[~~(7)~~] (8) (a) "State publication" means a book, compilation, directory, document, contract or grant report, hearing memorandum, journal, law, legislative bill, magazine, map, monograph, order, ordinance, pamphlet, periodical, proceeding, public memorandum, resolution, register, rule, report, statute, audiovisual material, electronic publication, micrographic form and tape or disc recording regardless of format or method of reproduction, issued or published by a state agency or political subdivision for distribution.

(b) "State publication" does not include correspondence, internal confidential publications, office memoranda, university press publications, or publications of the state historical society.

Section 3. Section **9-7-202** is amended to read:

9-7-202. Appointment of director.

~~[(1) The chief administrative officer of the division shall be a director appointed by the executive director with the concurrence of the board.]~~

~~[(2) The director shall have a degree from an institution approved by the American Library Association in library science and shall have demonstrated administrative ability.]~~

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

(1) to serve as the chief administrative officer of the division; and

(2) who has a degree from an accredited institution in library science and has demonstrated administrative ability.

Section 4. Section **9-7-204** is amended to read:

9-7-204. State Library Board -- Members -- Meetings -- Expenses.

(1) There is created within the department the State Library Board.

(2) (a) The board shall consist of nine members appointed by the governor.

(b) One member shall be appointed on recommendation from each of the following:

(i) the State Board of Education; and

~~[(ii) the Board of Control of the State Law Library;]~~

~~[(iii) the Office of Legislative Research and General Counsel; and]~~

~~[(iv)]~~ (ii) the Utah System of Higher Education.

(c) Of the [~~five~~] seven remaining members at least two shall be appointed from rural areas.

(3) (a) Except as required by Subsection (3)(b), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a four-year term.

(b) 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) The members may not serve more than two full consecutive terms.

(5) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term in the same manner as originally appointed.

(6) ~~[Five members]~~ A simple majority of the members of the board ~~[constitute]~~ constitutes a quorum for conducting board business.

(7) The governor shall select one of the board members as chair who shall serve for a period of two years.

(8) The director of the State Library Division ~~[shall be]~~ is the executive officer of the board.

(9) 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.

Section 5. Section 9-7-402 is amended to read:

9-7-402. Library board of directors -- Expenses.

(1) When the city governing body decides to establish and maintain a city public library under the provisions of this part, it shall appoint a library board of directors of not less than five members and not more than nine members, chosen from the citizens of the city and based upon their fitness for the office.

(2) Only one member of the city governing body may be, at any one time, a member of the library board.

(3) Each director shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid from library funds.

Section 6. Section **9-7-403** is amended to read:

9-7-403. Library board terms -- Officers -- Removal -- Vacancies.

(1) Each director of a library board shall be appointed for a three-year term, or until the successor to that director is appointed. Initially, appointments shall be made for one-, two-, and three-year terms. Annually thereafter, the city governing body shall, before the first day of July of each year, appoint for a three-year term directors to take the place of the retiring directors.

(2) Directors shall serve not more than two consecutive full terms.

(3) The directors shall annually select a chairman and other officers.

(4) The city governing body may remove any director for misconduct or neglect of duty.

(5) Vacancies in ~~[the]~~ a library board of directors shall be filled for the unexpired term in the same manner as original appointments.

Section 7. Section **9-7-404** is amended to read:

9-7-404. Board powers and duties -- Library fund deposits and disbursements.

(1) The library board of directors may, with the approval of the city governing body:

(a) have control of the expenditure of the library fund, of construction, lease, or sale of library buildings and land, and of the operation and care of the library; and

(b) purchase, lease, or sell land, and purchase, lease, erect, or sell buildings for the benefit of the library.

(2) The library board shall:

(a) maintain and care for the library;

(b) establish policies for its operation; and

(c) in general, carry out the spirit and intent of the provisions of this part.

(3) All tax money received for the library shall be deposited in the city treasury to the credit of the library fund, and may not be used for any purpose except that of the city library.

These funds shall be drawn upon by the authorized officers of the city upon presentation of the properly authenticated vouchers of the library board. All money collected by the library shall be deposited to the credit of the library fund.

Section 8. Section **9-7-405** is amended to read:

9-7-405. Rules -- Use of library.

(1) The library board of directors shall make, amend, and repeal rules, not inconsistent with law, for the governing of the library.

(2) Each library established under this part shall be free to the use of the inhabitants of the city where located, subject to the rules adopted by the library board. The library board may exclude from the use of the library any person who willfully violates these rules. The library board may extend the privileges and use of the library to persons residing outside of the city upon terms and conditions it may prescribe by rule.

Section 9. Section **9-7-406** is amended to read:

9-7-406. Reports to governing body and director of the division.

The library board of directors shall:

(1) ~~[make]~~ provide an annual report to the city governing body on the condition and operation of the library, including a financial statement; and
~~[(2) provide for the keeping of records required by the State Library Board in its request for an annual report from the public libraries, and submit that annual report to the State Library Board.]~~

(2) provide an annual report to the director of the division that contains the information required by the State Library Board.

Section 10. Section **9-7-407** is amended to read:

9-7-407. Librarian and other personnel.

(1) The library board of directors shall appoint a competent person as librarian to have immediate charge of the library with those duties and compensation for services that it determines. The librarian shall act as the executive officer for the library board.

(2) The library board shall appoint, upon the recommendation of the librarian, other personnel as needed.

Section 11. Section **9-7-408** is amended to read:

9-7-408. Donations of money or property.

Any person desiring to make donations of money, personal property, or real estate for the benefit of any library shall have the right to vest the title to the money, personal property, or real estate in the library board of directors. The donation shall be held and controlled by the library board, when accepted, according to the terms of the deed, gift, devise, or bequest of the property, and the library board shall be held and considered to be trustees of the property.

Section 12. Section **9-7-409** is amended to read:

9-7-409. Entities may cooperate, merge, or consolidate in providing library services.

[Boards] Library boards of directors of city libraries, library boards of directors of county libraries, boards of education, governing boards of other educational institutions, library agencies, and local political subdivisions may cooperate, merge, or consolidate in providing library services.

Section 13. Section **9-7-502** is amended to read:

9-7-502. Library board of directors -- Expenses.

(1) (a) When the county legislative body decides to establish and maintain a county public library under the provisions of this part, the county executive shall, with the advice and consent of the county legislative body, appoint a library board of not less than five and not more than nine directors chosen from the citizens of the county and based upon their fitness for the office.

(b) When increasing membership on an existing library board, the county legislative body:

(i) may not add more than two positions in any year; and

(ii) when adding members, shall ensure that the terms of library board members are staggered so that approximately 1/4 of the board is selected each year.

(2) Only one member of the county legislative body may be, at any one time, a member of the library board.

(3) Each director shall serve without compensation, but the actual and necessary expenses incurred in the performance of the director's official duties may be paid from library funds.

Section 14. Section **9-7-503** is amended to read:

9-7-503. Library board terms -- Officers -- Removal -- Vacancies.

(1) Each director of a library board shall be appointed for a four-year term, or until the director's successor is appointed. Initially, appointments shall be made for one-, two-, three-, and four-year terms, and one member of the county legislative body for the term of his elected office. Annually thereafter, the county executive body shall, before the first day of July of each year, appoint, with the advice and consent of the county legislative body, for a four-year

term, one director to take the place of the retiring director.

(2) Directors shall serve not more than two consecutive full terms.

(3) The directors shall annually select a chairman and other officers.

(4) The county executive body may remove any director for misconduct or neglect of duty.

(5) Vacancies in ~~the~~ a library board of directors shall be filled for the unexpired terms in the same manner as original appointments.

Section 15. Section **9-7-504** is amended to read:

9-7-504. Library board duties -- Library fund deposits.

(1) The library board of directors shall, with the approval of the county executive and in accordance with county ordinances, policies, and procedures:

(a) be responsible for:

(i) the expenditure of the library fund;

(ii) the construction, lease, or sale of library buildings and land; and

(iii) the operation and care of the library; and

(b) purchase, lease, or sell land, and purchase, lease, construct, or sell buildings, for the benefit of the library.

(2) The library board has those powers and duties as prescribed by county ordinance, including establishing policies for collections and information resources that are consistent with state and federal law.

(3) (a) All tax money received for the library shall be deposited in the county treasury to the credit of the library fund, and may not be used for any purpose except that of the county library.

(b) All money collected by the library shall be deposited to the credit of the library fund.

Section 16. Section **9-7-505** is amended to read:

9-7-505. Rules -- Use of library.

(1) ~~The~~ Each library board shall make library rules in a manner consistent with county ordinances, policies, and procedures for the governing of the library.

(2) Each library established under this part shall be free to the use of the inhabitants of the area taxed for the support of the library, subject to the rules made as prescribed by county

ordinance.

Section 17. Section **9-7-506** is amended to read:

9-7-506. Annual reports.

The library board of directors shall:

(1) ~~[make] provide~~ an annual report to the county executive and county legislative body on the condition and operation of the library, including a financial statement; and
~~[(2) provide for the keeping of records required by the State Library Board in its request for an annual report from the public libraries, and submit that annual report to the State Library Board.]~~

(2) provide an annual report to the director of the division that contains the information required by the State Library Board.

Section 18. Section **9-7-507** is amended to read:

9-7-507. Librarian and other personnel.

(1) (a) The library board of directors shall recommend to the county executive for appointment a competent person to serve as librarian.

(b) The county executive shall, within 30 days of the recommendation, either make the appointment or request that the library board submit another recommendation.

(c) The librarian shall be an employee of the county subject to the personnel policies, procedures, and compensation plans approved by the county executive and county legislative body.

(d) The librarian shall act as the executive officer for the library board.

(2) (a) All library personnel are employees of the county.

(b) The librarian or the librarian's designee shall hire library personnel in accordance with the county merit system, personnel policies and procedures, and compensation plans approved by the county executive and county legislative body.

(3) As used in this section "librarian" means the county library director.

Section 19. Section **9-7-509** is amended to read:

9-7-509. Entities may cooperate, merge, or consolidate in providing library services.

~~[Boards]~~ Library boards of directors of city libraries, library boards of directors of county libraries, boards of education, governing boards of other educational institutions, library

agencies, and local political subdivisions may cooperate in providing library services or merge or consolidate under an interlocal agreement approved and implemented in accordance with Title 11, Chapter 13, Interlocal Cooperation Act.

Section 20. Section **9-8-102** is amended to read:

9-8-102. Definitions.

As used in this chapter:

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

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

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

(4) "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.

(5) "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.

(6) "Society" means the Utah State Historical Society created in Section 9-8-207.

Section 21. Section **9-8-202** is amended to read:

9-8-202. Appointment of director.

~~[(1) The chief administrative officer of the division shall be a director appointed by the executive director with the concurrence of the board.]~~

~~[(2) The director shall be experienced in administration and qualified by education or training in the field of state history.]~~

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

(1) to serve as the chief administrative officer of the division; and

(2) who is experienced in administration and is qualified by education or training in the field of state history.

Section 22. Section **9-8-204** is amended to read:

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 by the governor with the consent

of the Senate as follows:

(a) sufficient representatives to satisfy the federal requirements for an adequately qualified State Historic Preservation Review Board; and

(b) other persons with an interest in the subject matter of the division'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 replacement shall be appointed for the unexpired term with the consent of the Senate.

(5) ~~[Six members]~~ A simple majority of the board ~~[are]~~ constitutes a quorum for ~~[the transaction of]~~ 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.

Section 23. Section **9-8-206** is amended to read:

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

(1) The division 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 ~~[retained in the treasury of the society]~~ deposited into the General Fund as ~~H → [restricted revenue of the society]~~ a dedicated credit ← H .

Section 24. Section **9-8-402** is amended to read:

9-8-402. Definitions -- Division duties.

(1) ~~[As]~~ In addition to the definitions described in Section 9-8-302, as used in this part[;]:

(a) "Effect" means an alteration to one or more characteristics of a historic property that qualify the historic property for inclusion in, or that make the historic property eligible for inclusion in, the National Register of Historic Places.

(b) "Historic Property" means any historic or prehistoric district, site, building, structure, or object that is at least 50 years old and that is included in, or that is eligible for inclusion in, the National Register of Historic Places.

(c) "State Register" means a register of cultural sites and localities, historic and prehistoric sites, and districts, buildings, and objects significant in Utah history.

(d) "Undertaking" means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a state agency, including a project, activity, or program:

(i) carried out by or on behalf of a state agency;

(ii) carried out with financial assistance from the state; or

(iii) that requires a state permit, license, or approval.

(2) The division shall:

(a) constitute the historic preservation agency for this state;

(b) establish a state register for the orderly identification and recognition of the state's cultural resources; and

(c) provide for participation in the National Historic Preservation Program.

Section 25. Section **9-8-404** is amended to read:

9-8-404. Agency responsibilities -- State historic preservation officer to comment on undertaking -- Public Lands Policy Coordinating Office may require joint analysis.

~~[(1) (a) Before expending any state funds or approving any undertaking, each agency shall:]~~

~~[(i) take into account the effect of the expenditure or undertaking on any historic property; and]~~

~~[(ii) unless exempted by agreement between the agency and the state historic~~

462 ~~preservation officer, provide the state historic preservation officer with a written evaluation of~~
463 ~~the expenditure's or undertaking's effect on the historic property.]~~

464 (1) (a) Before making a final agency decision authorizing the expenditure of state funds
465 or providing financial assistance for an undertaking, an agency shall:

466 (i) take into account the effect of the undertaking on any historic property; and

467 (ii) provide the state historic preservation officer with a written evaluation of the
468 undertaking's effect on any historic property.

469 (b) The state historic preservation officer shall provide to the agency a written
470 comment on the agency's determination of effect within 30 days after the day on which the state
471 historic preservation officer receives a written evaluation described in Subsection (1)(a)(ii).

472 (c) If the written evaluation described in Subsection (1)(a)(ii) demonstrates that there is
473 an adverse effect to a historic property, the agency shall enter into a formal written agreement
474 with the state historic preservation officer describing how each adverse effect will be mitigated
475 before the agency may expend state funds or provide financial assistance for the undertaking.

476 ~~[(b)]~~ (d) [Once per month, the] The state historic preservation officer shall ~~[provide]~~
477 make available to the Public Lands Policy Coordinating Office [with] a list of undertakings on
478 which an agency or federal agency has requested the state historic preservation officer's or the
479 Antiquities Section's advice or consultation.

480 ~~[(c)]~~ (e) The Public Lands Policy Coordinating Office may request the joint analysis
481 described in Subsections (2)(c) and (d) of any proposed undertaking on which the state historic
482 preservation officer or Antiquities Section is providing advice or consultation.

483 (2) (a) If the state historic preservation officer does not concur with the agency's
484 written evaluation required by Subsection (1)(a)(ii), the state historic preservation officer shall
485 inform the Public Lands Policy Coordinating Office of any objections.

486 (b) The Public Lands Policy Coordinating Office shall review the state historic
487 preservation officer's objections and determine whether or not to initiate the joint analysis
488 established in Subsections (2)(c) and (d) within 30 days after the day on which the state historic
489 preservation officer informs the Public Lands Policy Coordinating Office of the objections.

490 (c) If the Public Lands Policy Coordinating Office determines further analysis is
491 necessary, the Public Lands Policy Coordinating Office shall, jointly with the agency and the
492 state historic preservation officer, analyze:

493 (i) the cost of the undertaking, excluding costs attributable to the identification,
494 potential recovery, or excavation of historic properties;

495 (ii) the ownership of the land involved;

496 (iii) the likelihood of the presence and the nature and type of historical properties that
497 may be affected by the expenditure or undertaking; and

498 (iv) clear and distinct alternatives for the identification, recovery, or excavation of
499 historic properties, including ways to maximize the amount of information recovered and
500 report that information at current standards of scientific rigor.

501 (d) The Public Lands Policy Coordinating Office, the agency, and the state historic
502 preservation officer shall also consider as part of the joint analysis:

503 (i) the estimated costs of the alternatives in Subsection (2)(c)(iv) in total and as a
504 percentage of the total cost of the undertaking; and

505 (ii) at least one plan for the identification, recovery, or excavation of historic properties
506 that does not substantially increase the cost of the proposed undertaking.

507 (3) (a) (i) If the state historic preservation officer concurs with the agency's evaluation
508 or if the Public Lands Policy Coordinating Office determines that the joint analysis is
509 unnecessary, the state historic preservation officer shall, no later than 30 calendar days after
510 receiving the agency's evaluation, provide formal comments on the agency's evaluation.

511 (ii) If a joint analysis is conducted, the state historic preservation officer shall provide
512 formal comments on the agency's evaluation no later than 30 calendar days after the conclusion
513 of the joint analysis.

514 (b) The state historic preservation officer shall ensure that the comments include the
515 results of any joint analysis conducted under Subsection (2).

516 (c) If a joint analysis is not conducted, the state historic preservation officer's
517 comments may include advice about ways to maximize the amount of historic, scientific,
518 archaeological, anthropological, and educational information recovered, in addition to the
519 physical recovery of ~~[specimens]~~ artifacts and the reporting of archaeological information at
520 current standards of scientific rigor.

521 ~~[(4) (a) Once per month, the state historic preservation officer shall provide the Public~~
522 ~~Lands Policy Coordinating Office with a list of comments the state historic preservation officer~~
523 ~~intends to make or has made as required or authorized by the National Historic Preservation~~

Act, 54 U.S.C. Sec. 300101 et seq.]

~~[(b) At the request of the Public Lands Policy Coordinating Office, the state historic preservation officer shall discuss the comments with the Public Lands Policy Coordinating Office.]~~

Section 26. Section **9-8-805** is amended to read:

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

(1) (a) ~~[Any]~~ A collecting institution wishing to perfect title in any reposed materials held by it shall send, by registered mail, a notice containing the information required by ~~[this section]~~ Subsection (2) to the last-known address of the last-known owner of the property.

~~[(b) The collecting institution shall publish a notice containing the information required by this section:]~~

~~[(i) if:]~~

~~[(A) the owner or the address of the owner of the reposed materials is unknown;]~~

~~[(B) the mailed notice is returned to the collecting institution without a forwarding address; or]~~

~~[(C) the owner does not claim the reposed materials within 90 days after the notice was mailed; and]~~

~~[(ii) (A) by publication at least once per week for two consecutive weeks in a newspaper of general circulation in the county where the collection institution is located; and]~~

~~[(B) by publication in accordance with Section ~~45-1-101~~ for two weeks.]~~

(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 reposed 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 reposed 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, in accordance with Section ~~45-1-101~~, shall publish the notice:

(i) at least once per week for two consecutive weeks in a newspaper of general circulation in the county where the collecting institution is located; and

(ii) on the public legal notice website for at least two weeks.

(2) ~~[The notices]~~ 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 ~~[date that]~~ day on which the notice is published in accordance with Subsection (1)(b), the repositied materials are considered ~~[to be]~~ abandoned and become the property of the collecting institution.

(3) If no one ~~[has claimed the]~~ claims repositied materials within 90 days after the ~~[date that the]~~ day on which notice is published in accordance with Subsection (1)(b), the repositied materials are considered ~~[to be]~~ abandoned and are the property of the collecting institution.

Section 27. Section **9-20-101**, which is renumbered from Section 9-1-801 is renumbered and amended to read:

CHAPTER 20. UTAH COMMISSION ON SERVICE AND VOLUNTEERISM ACT
Part 1. General Provisions

~~[9-1-801].~~ **9-20-101. Title.**

This ~~[part]~~ chapter is known as the "Utah Commission on Service and Volunteerism Act."

Section 28. Section **9-20-102**, which is renumbered from Section 9-1-802 is renumbered and amended to read:

~~[9-1-802].~~ **9-20-102. Definitions.**

As used in this chapter:

(1) "Act" means the National Community and Service Trust Act of 1993, 42 U.S.C. 12501 et seq.

(2) "Commission" means the Utah Commission on Service and Volunteerism created in Section ~~[9-1-803]~~ 9-20-201.

(3) "Corporation" means the Corporation for National and Community Service described in the act.

Section 29. Section **9-20-201**, which is renumbered from Section 9-1-803 is renumbered and amended to read:

Part 2. Utah Commission on Service and Volunteerism

[9-1-803]. 9-20-201. Creation -- Members -- Appointment -- Terms -- Vacancies -- Per diem and expenses.

(1) There is created the Utah Commission on Service and Volunteerism consisting of 19 voting members and one nonvoting member.

(2) The 19 voting members of the commission are:

- (a) the lieutenant governor;
- (b) the commissioner of higher education or the commissioner's designee;
- (c) the state superintendent of public instruction or the superintendent's designee;
- (d) the executive director of the Department of Heritage and Arts or the executive director's designee;
- (e) nine members appointed by the governor as follows:
 - (i) an individual with expertise in the educational, training, and developmental needs of youth, particularly disadvantaged youth;
 - (ii) an individual with experience in promoting the involvement of older adults in volunteer service;
 - (iii) a representative of a community-based agency or organization within the state;
 - (iv) a representative of local government;
 - (v) a representative of a local labor organization in the state;
 - (vi) a representative of business;
 - (vii) an individual between the ages of 16 and 25 who participates in a volunteer or service program;
 - (viii) a representative of a national service program; and
 - (ix) a representative of the volunteer sector; and
- (f) six members appointed by the governor from among the following groups:
 - (i) local educators;
 - (ii) experts in the delivery of human, educational, cultural, environmental, or public safety services to communities and individuals;
 - (iii) representatives of Native American tribes;

(iv) representatives of organizations that assist out-of-school youth or other at-risk youth; or

(v) representatives of entities that receive assistance under the Domestic Volunteer Service Act of 1973, 42 U.S.C. 4950 et seq.

(3) The nonvoting member of the commission is the state representative of the corporation.

(4) (a) In appointing persons to serve on the commission, the governor shall ensure that:

(i) no more than 10 voting members of the commission are members of the same political party; and

(ii) no more than five voting members of the commission are state government employees.

(b) In appointing persons to serve on the commission, the governor shall strive for balance on the commission according to race, ethnicity, age, gender, and disability characteristics.

(5) (a) Except as required by Subsection (5)(b), as terms of current commission members expire, the governor shall appoint each new member or reappointed member to a three-year term.

(b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of commission members are staggered so that approximately one-third of the commission is appointed every year.

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

(7) A member appointed by the governor may not serve more than two consecutive terms.

(8) 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.

Section 30. Section **9-20-202**, which is renumbered from Section 9-1-805 is renumbered and amended to read:

[9-1-805]. 9-20-202. Election of commission chair and vice chair.

(1) ~~[The]~~ Subject to Subsection (2), the voting members of the commission shall elect a chair and a ~~[vice-chair]~~ vice chair from among the voting members of the commission.

(2) The voting members of the commission may not elect the lieutenant governor as chair or vice chair of the commission.

~~[(2)]~~ (3) The chair and ~~[vice-chair]~~ vice chair shall serve for a term of one year.

Section 31. Section **9-20-203**, which is renumbered from Section 9-1-806 is renumbered and amended to read:

[9-1-806]. 9-20-203. Commission chair and vice chair duties.

(1) The chair shall:

- (a) preside at meetings of the commission; and
- (b) authorize and execute the actions of the commission.

(2) The ~~[vice-chair]~~ vice chair shall:

- (a) assist the chair;
- (b) if the chair is absent, perform the duties of the chair;
- (c) accept special assignments from the chair; and
- (d) perform other duties as delegated by the commission.

Section 32. Section **9-20-204**, which is renumbered from Section 9-1-808 is renumbered and amended to read:

[9-1-808]. 9-20-204. Meetings -- Quorum.

(1) The commission shall meet at least quarterly.

(2) A voting member of the commission who fails to attend at least 75% of called meetings in a calendar year is automatically removed from the commission.

(3) A commission quorum is a simple majority of the voting members.

Section 33. Section **9-20-205**, which is renumbered from Section 9-1-809 is renumbered and amended to read:

[9-1-809]. 9-20-205. Commission duties.

(1) The commission shall:

(a) ~~[assist in]~~ administer the selection, development, and oversight of programs funded and established by the act;

(b) pursue opportunities for sustainable and high-impact community service;

(c) develop and annually update a three-year community service plan for the state, including the establishment of state priorities; and

(d) stimulate increased community awareness of the impact of volunteer service in the state.

(2) (a) The commission may, subject to Title 63J, Chapter 5, Federal Funds Procedures Act, receive and accept federal funds, and may receive and accept private gifts, donations, or funds from any source.

(b) Money received under this Subsection (2) shall be deposited with the state and shall be available to the commission to carry out the purposes of this part.

Section 34. Section **9-20-206**, which is renumbered from Section 9-1-810 is renumbered and amended to read:

[9-1-810]. 9-20-206. Reporting and administration.

(1) The executive director, in consultation with the commission, shall appoint a director of the commission who is:

(a) experienced in administration; and

(b) qualified by education or training in the field of public administration.

(2) The director of the commission shall report to the executive director.

~~[(1)]~~ (3) The commission shall:

(a) report to the office of the lieutenant governor[?]; and

(b) by January 1, provide an annual written report to the lieutenant governor on service and volunteerism in the state.

~~[(2)]~~ (4) The [Department of Heritage and Arts] department shall provide administrative and staff support services to the commission.

Section 35. Section **9-20-207**, which is renumbered from Section 9-1-811 is renumbered and amended to read:

[9-1-811]. 9-20-207. Rulemaking.

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and the provisions of this chapter, the Department of Heritage and Arts may make rules to:

- (1) implement this ~~[part]~~ chapter; and
- (2) ensure the commission complies with the act and related federal requirements.
- Section 36. Section **9-21-101** is enacted to read:

CHAPTER 21. DIVISION OF MULTICULTURAL AFFAIRS ACT

Part 1. General Provisions

9-21-101. Title.

This chapter is known as the "Division of Multicultural Affairs Act."

Section 37. Section **9-21-102** is enacted to read:

9-21-102. Definitions.

As used in this chapter:

- (1) "Commission" means the Utah Multicultural Commission created in Section 9-21-301.
- (2) "Director" means the director of the Division of Multicultural Affairs.
- (3) "Division" means the Division of Multicultural Affairs created in Section 9-21-201.
- (4) "Human Rights Commission" means the Utah Martin Luther King, Jr. Human Rights Commission created in Section 9-21-401.

Section 38. Section **9-21-201** is enacted to read:

Part 2. Division of Multicultural Affairs

9-21-201. Creation.

- (1) There is created within the department the Division of Multicultural Affairs under the administration and general supervision of the executive director.
- (2) The division shall be under the policy direction of the executive director in consultation with the director and the commission.

Section 39. Section **9-21-202** is enacted to read:

9-21-202. Responsibilities of the division.

The responsibilities of the division include:

- (1) identifying the needs of the state's multicultural communities;
- (2) promoting inclusiveness and cultivating trust and cooperation between the state, nonprofit entities receiving state funds, and the state's multicultural communities; and
- (3) working with state agencies to ensure the state provides equitable resources, services, and programs to address the needs of the state's multicultural communities.

Section 40. Section **9-21-203** is enacted to read:

9-21-203. Reporting requirements.

The division shall submit an annual written report to the department for inclusion in the department's annual report described in Section [9-1-208](#), which shall describe the activities and recommendations of:

- (1) the division in meeting the division's responsibilities as described in this chapter;
- (2) the commission in meeting the commission's responsibilities as described in this chapter, including the strategic plan described in Section [9-21-302](#); and
- (3) the human rights commission in meeting the human rights commission's responsibilities as described in this chapter.

Section 41. Section **9-21-301** is enacted to read:

Part 3. Utah Multicultural Commission

9-21-301. Creation of commission -- Membership -- Rulemaking.

- (1) There is created within the division the Utah Multicultural Commission.
- (2) The commission shall consist of:
 - (a) the lieutenant governor, who shall serve as chair of the commission; and
 - (b) at least 14 additional members appointed by the governor to two-year terms.
- (3) Notwithstanding the requirements of Subsection (2)(b), the governor shall at the time of appointment adjust the length of terms to ensure that the terms of commission members are staggered so that approximately half of the commission is appointed every two years.
- (4) The commission shall meet at least six times per year.
- (5) A majority of the members of the commission constitutes a quorum of the commission at any meeting, and the action of the majority of members present is the action of the commission.
- (6) A member appointed by the governor may be reappointed for one or more additional terms.
- (7) When a vacancy occurs in the membership, the governor shall appoint a replacement for the unexpired term.
- (8) 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) 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.

(9) The department shall make rules establishing the membership, duties, and procedures of the commission in accordance with the requirements of:

(a) this chapter; and

(b) Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(10) The department shall provide administrative support to the commission.

Section 42. Section **9-21-302** is enacted to read:

9-21-302. Commission duties.

The commission shall:

(1) cooperate with the division and state agencies to ensure access to culturally competent programs and services that meet the needs of the state's multicultural communities;

(2) make recommendations to the director regarding policies, practices, and procedures to ensure the proper delivery of state resources, services, and programs to the state's multicultural communities;

(3) cooperate with the division and state agencies to ensure proper outreach to the state's multicultural communities regarding state resources, services, and programs; and

(4) develop a strategic plan to identify needs, goals, and deliverables that will directly impact the most significant and urgent needs of the state's multicultural communities.

Section 43. Section **9-21-401** is enacted to read:

Part 4. Utah Martin Luther King, Jr. Human Rights Commission

9-21-401. Creation of human rights commission -- Membership -- Rulemaking.

(1) There is created within the division the Utah Martin Luther King, Jr. Human Rights Commission.

(2) (a) The human rights commission shall consist of 13 members appointed by the governor to two-year terms.

(b) Notwithstanding the requirements of Subsection (2)(a), the governor shall at the time of appointment adjust the length of terms to ensure that the terms of human rights commission members are staggered so that approximately half of the human rights commission is appointed every two years.

(3) The governor shall appoint one of the members as chair of the human rights

803 commission.

804 (4) The human rights commission shall meet at least quarterly.

805 (5) A majority of the members of the human rights commission constitutes a quorum
806 of the human rights commission at any meeting, and the action of the majority of members
807 present is the action of the human rights commission.

808 (6) A member appointed by the governor may not serve more than two consecutive
809 terms.

810 (7) When a vacancy occurs in the membership, the governor shall appoint a
811 replacement for the unexpired term.

812 (8) A member may not receive compensation or benefits for the member's service, but
813 may receive per diem and travel expenses in accordance with:

814 (a) Sections [63A-3-106](#) and [63A-3-107](#); and

815 (b) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
816 [63A-3-107](#).

817 (9) The department shall make rules establishing the membership, duties, and
818 procedures of the human rights commission in accordance with the requirements of:

819 (a) this chapter; and

820 (b) Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

821 (10) The department shall provide administrative support to the commission.

822 Section 44. Section **9-21-402** is enacted to read:

823 **9-21-402. Human rights commission duties.**

824 The human rights commission shall:

825 (1) promote Dr. Martin Luther King, Jr. Day by:

826 (a) encouraging appropriate ceremonies and activities commemorating the federal and
827 state holiday, which occurs on the third Monday of January each year;

828 (b) seeking to involve the public and private sectors in promoting diversity, equality,
829 and human rights;

830 (c) providing recommendations and assistance to government entities and private
831 organizations regarding the observance of the holiday;

832 (d) coordinating efforts with state residents of diverse backgrounds and with private
833 organizations regarding the observance of the holiday; and

834 (e) partnering with educational institutions to assist schools in promoting appropriate
835 events to honor human rights and the holiday; and

836 (2) report annually to the division regarding the activities of the commission.

837 Section 45. **Repealer.**

838 This bill repeals:

839 Section **9-8-601, Definitions.**

840 Section **9-8-602, Authority to write and publish county history -- Administration of**
841 **project.**

842 Section **9-8-603, Standards -- Publication.**