

1 **HERITAGE AND ARTS FOUNDATION AMENDMENTS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Mike Winder**

5 Senate Sponsor: David P. Hinkins

7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ authorizes the department to create a heritage and arts foundation (foundation);
- 14 ▶ describes the requirements, including reporting requirements, related to the
15 foundation;
- 16 ▶ creates the Heritage and Arts Foundation Fund (fund);
- 17 ▶ describes the requirements of administering and using the fund; and
- 18 ▶ makes technical changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **9-1-201**, as last amended by Laws of Utah 2019, Chapter 221

26 ENACTS:

27 **9-1-209**, Utah Code Annotated 1953

28
29 *Be it enacted by the Legislature of the state of Utah:*

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

31 **9-1-201. Department of Heritage and Arts -- Creation -- Powers and duties.**

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

33 (2) The department shall:

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

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

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

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

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

42 (f) submit an annual written report to the governor and the Legislature as described in
43 Section [9-1-208](#);

44 (g) ensure that any training or certification required of a public official or public
45 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter
46 22, State Training and Certification Requirements, if the training or certification is required:

47 (i) under this title;

48 (ii) by the department; or

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

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

51 (3) The department may:

52 (a) solicit and accept contributions of money, services, and facilities from any other
53 sources, public or private, but may not use those contributions for publicizing the exclusive
54 interest of the donor[-]; and

55 (b) establish a nonprofit foundation called the Heritage and Arts Foundation under the
56 control and direction of the executive director to assist in the development and implementation
57 of the programs and objectives described in this title.

58 (4) Money received under Subsection (3)(a) shall be deposited ~~[in]~~ into the General
59 Fund as dedicated credits.

60 (5) A foundation established by the department under Subsection (3)(b):

61 (a) may receive contributions of money, services, and facilities from legislative
62 appropriations, government grants, and private sources for the development and
63 implementation of the programs and objectives described in this title;

64 (b) shall comply with the requirements described in Section 9-1-209; and

65 (c) shall provide information detailing all transactions and balances associated with the
66 foundation to the department, which shall be summarized by the department and included in
67 the department's annual report described in Section 9-1-208.

68 ~~[(5)]~~ (6) (a) For a pass-through funding grant of \$50,000 or less, the department shall
69 make an annual disbursement to the pass-through funding grant recipient.

70 (b) For a pass-through funding grant of more than \$50,000, the department shall make
71 a semiannual disbursement to the pass-through funding grant recipient, contingent upon the
72 department receiving a semiannual progress report from the pass-through funding grant
73 recipient.

74 (c) The department shall:

75 (i) provide the pass-through funding grant recipient with a progress report form for the
76 reporting purposes described in Subsection ~~[(5)]~~ (6)(b); and

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

78 Section 2. Section 9-1-209 is enacted to read:

79 **9-1-209. Heritage and Arts Foundation Fund.**

80 (1) As used in this section, "fund" means the Heritage and Arts Foundation Fund
81 created in this section.

82 (2) There is created an expendable special revenue fund known as the "Heritage and
83 Arts Foundation Fund."

84 (3) The executive director shall administer the fund.

85 (4) Money may be deposited into the fund from a variety of sources, including

86 transfers, grants, private foundations, individual donors, gifts, bequests, legislative
87 appropriations, and money made available from any other source.

88 (5) Money collected by the Heritage and Arts Foundation described in Subsections
89 9-22-104(3)(b) and (5) shall be deposited into the fund.

90 (6) Any portion of the fund may be treated as an endowment fund such that the
91 principal of that portion of the fund is held in perpetuity on behalf of the department.

92 (7) The state treasurer shall invest the money in the fund according to the procedures
93 and requirements of Title 51, Chapter 7, State Money Management Act, except that all interest
94 or other earnings derived from those investments shall be deposited into the fund.

95 (8) The executive director may expend money from the fund for any of the purposes
96 described in this title.