

1 **CULTURAL AND COMMUNITY ENGAGEMENT AMENDMENTS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Robert M. Spendlove**

5 Senate Sponsor: _____

6

LONG TITLE

7 **General Description:**

8 This bill modifies provisions related to the Department of Cultural and Community
9 Engagement (department).

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ clarifies the duties of the department's State Library Division;
- 14 ▶ prohibits the State Library Division from providing for public access to certain
15 publications without consent;
- 16 ▶ requires state agencies to provide certain publications to the State Library Division
17 for retention;
- 18 ▶ repeals the State Library Division's depository library program;
- 19 ▶ modifies requirements related to public library internet safety;
- 20 ▶ renames the Division of State History within the department as the Utah Historical
21 Society;
- 22 ▶ repeals the Board of State History's duties in relation to the State Historic
23 Preservation Office;
- 24 ▶ establishes the Museum of Utah within the Utah Historical Society to promote
25 Utah's history and culture;
- 26 ▶ transfers certain department functions related to antiquities and historical
27



- 28 preservation to the State Historic Preservation Office;
- 29 ▶ expands the membership of the National Register Review Committee;
- 30 ▶ modifies the membership and duties of the Utah Multicultural Commission;
- 31 ▶ modifies the membership of the STEM Action Center Board;
- 32 ▶ allows the Pete Suazo Utah Athletic Commission to impose broadcast revenue fees
- 33 on promoters;
- 34 ▶ repeals the Utah Main Street Program Advisory Committee; and
- 35 ▶ makes technical and conforming changes.

36 Money Appropriated in this Bill:

37 None

38 Other Special Clauses:

39 This bill provides a special effective date.

40 Utah Code Sections Affected:

41 AMENDS:

- 42 **9-7-101**, as last amended by Laws of Utah 2019, Chapter 221
- 43 **9-7-201**, as renumbered and amended by Laws of Utah 1992, Chapter 241
- 44 **9-7-203**, as last amended by Laws of Utah 2017, Chapter 48
- 45 **9-7-205**, as last amended by Laws of Utah 2017, Chapter 48
- 46 **9-7-207**, as last amended by Laws of Utah 2006, Chapter 81
- 47 **9-7-208**, as repealed and reenacted by Laws of Utah 2006, Chapter 81
- 48 **9-7-213**, as last amended by Laws of Utah 2010, Chapter 378
- 49 **9-7-215**, as last amended by Laws of Utah 2017, Chapter 208
- 50 **9-8-102**, as last amended by Laws of Utah 2019, Chapter 221
- 51 **9-8-201**, as renumbered and amended by Laws of Utah 1992, Chapter 241
- 52 **9-8-202**, as last amended by Laws of Utah 2019, Chapter 221
- 53 **9-8-203**, as last amended by Laws of Utah 2018, Chapter 63
- 54 **9-8-204**, as last amended by Laws of Utah 2022, Chapter 369
- 55 **9-8-205**, as last amended by Laws of Utah 2022, Chapter 369
- 56 **9-8-206**, as last amended by Laws of Utah 2019, Chapter 221
- 57 **9-8-207**, as last amended by Laws of Utah 2018, Chapter 260
- 58 **9-8-701**, as last amended by Laws of Utah 2014, Chapter 166

- 59 [9-8-704](#), as last amended by Laws of Utah 2014, Chapter 166
60 [9-8-705](#), as last amended by Laws of Utah 2014, Chapter 166
61 [9-8-707](#), as last amended by Laws of Utah 2014, Chapter 166
62 [9-8-708](#), as last amended by Laws of Utah 2014, Chapter 166
63 [9-9-402](#), as last amended by Laws of Utah 2019, Chapter 79
64 [9-9-403](#), as last amended by Laws of Utah 2008, Chapter 114
65 [9-9-405](#), as last amended by Laws of Utah 2019, Chapter 79
66 [9-9-407](#), as last amended by Laws of Utah 2019, Chapter 79
67 [9-9-408](#), as last amended by Laws of Utah 2021, Chapter 280
68 [9-21-301](#), as enacted by Laws of Utah 2019, Chapter 221
69 [9-21-302](#), as enacted by Laws of Utah 2019, Chapter 221
70 [9-22-103](#), as last amended by Laws of Utah 2020, Chapter 365
71 [9-23-304](#), as renumbered and amended by Laws of Utah 2022, Chapter 362
72 [9-24-101](#), as renumbered and amended by Laws of Utah 2022, Chapter 362
73 [9-24-102](#), as renumbered and amended by Laws of Utah 2022, Chapter 362
74 [10-9a-534](#), as enacted by Laws of Utah 2021, First Special Session, Chapter 3
75 [15A-2-103](#), as last amended by Laws of Utah 2021, Chapter 199
76 [17-27a-530](#), as enacted by Laws of Utah 2021, First Special Session, Chapter 3
77 [17C-2-103](#), as last amended by Laws of Utah 2019, Chapter 376
78 [17C-2-104](#), as last amended by Laws of Utah 2006, Chapter 292 and renumbered and
79 amended by Laws of Utah 2006, Chapter 359
80 [17C-3-103](#), as last amended by Laws of Utah 2016, Chapter 350
81 [17C-3-104](#), as enacted by Laws of Utah 2006, Chapter 359
82 [17C-5-105](#), as last amended by Laws of Utah 2019, Chapter 376
83 [17C-5-106](#), as enacted by Laws of Utah 2016, Chapter 350
84 [53B-17-603](#), as last amended by Laws of Utah 2008, Chapter 382
85 [53B-18-1002](#), as last amended by Laws of Utah 2021, Chapter 184
86 [59-7-609](#), as enacted by Laws of Utah 1995, Chapter 42
87 [59-10-1006](#), as renumbered and amended by Laws of Utah 2006, Chapter 223
88 [63A-12-112](#), as enacted by Laws of Utah 2019, Chapter 254
89 [63C-9-301](#), as last amended by Laws of Utah 2021, Chapters 382, 405

90 **63C-9-601**, as last amended by Laws of Utah 2020, Chapter 419

91 **63L-11-202**, as last amended by Laws of Utah 2021, Chapter 345 and renumbered and
92 amended by Laws of Utah 2021, Chapter 382

93 **63L-11-402**, as last amended by Laws of Utah 2022, Chapter 68

94 **67-1-8.1**, as last amended by Laws of Utah 2021, Chapters 209, 344

95 **76-9-704**, as last amended by Laws of Utah 2007, Chapters 60, 231

96 ENACTS:

97 **9-8-209**, Utah Code Annotated 1953

98 RENUMBERS AND AMENDS:

99 **9-8a-101**, (Renumbered from 9-8-901, as enacted by Laws of Utah 2022, Chapter 369)

100 **9-8a-201**, (Renumbered from 9-8-902, as enacted by Laws of Utah 2022, Chapter 369)

101 **9-8a-202**, (Renumbered from 9-8-903, as enacted by Laws of Utah 2022, Chapter 369)

102 **9-8a-203**, (Renumbered from 9-8-904, as enacted by Laws of Utah 2022, Chapter 369)

103 **9-8a-204**, (Renumbered from 9-8-905, as enacted by Laws of Utah 2022, Chapter 369)

104 **9-8a-205**, (Renumbered from 9-8-208, as enacted by Laws of Utah 2020, Chapter 179)

105 **9-8a-301**, (Renumbered from 9-8-301, as last amended by Laws of Utah 2014, Chapter
106 189)

107 **9-8a-302**, (Renumbered from 9-8-302, as last amended by Laws of Utah 2016, Chapter
108 348)

109 **9-8a-304**, (Renumbered from 9-8-304, as last amended by Laws of Utah 2007, Chapter
110 231)

111 **9-8a-305**, (Renumbered from 9-8-305, as last amended by Laws of Utah 2020, Chapter
112 154)

113 **9-8a-306**, (Renumbered from 9-8-306, as last amended by Laws of Utah 1995, Chapter
114 170)

115 **9-8a-307**, (Renumbered from 9-8-307, as last amended by Laws of Utah 2014, Chapter
116 189)

117 **9-8a-308**, (Renumbered from 9-8-308, as renumbered and amended by Laws of Utah
118 1992, Chapter 241)

119 **9-8a-309**, (Renumbered from 9-8-309, as last amended by Laws of Utah 2008, Chapter
120 382)

121 **9-8a-401**, (Renumbered from 9-8-401, as renumbered and amended by Laws of Utah
122 1992, Chapters 241, 286)
123 **9-8a-402**, (Renumbered from 9-8-402, as last amended by Laws of Utah 2019, Chapter
124 221)
125 **9-8a-403**, (Renumbered from 9-8-403, as renumbered and amended by Laws of Utah
126 1992, Chapter 241)
127 **9-8a-404**, (Renumbered from 9-8-404, as last amended by Laws of Utah 2020, Chapter
128 34)
129 **9-8a-405**, (Renumbered from 9-8-405, as last amended by Laws of Utah 2014, Chapter
130 189)
131 **9-8a-502**, (Renumbered from 9-8-502, as renumbered and amended by Laws of Utah
132 1992, Chapter 241)
133 **9-8a-503**, (Renumbered from 9-8-503, as renumbered and amended by Laws of Utah
134 1992, Chapter 241)
135 **9-8a-504**, (Renumbered from 9-8-504, as renumbered and amended by Laws of Utah
136 1992, Chapter 241)
137 **9-8a-505**, (Renumbered from 9-8-505, as renumbered and amended by Laws of Utah
138 1992, Chapter 241)
139 **9-8a-506**, (Renumbered from 9-8-506, as renumbered and amended by Laws of Utah
140 1992, Chapter 241)
141 **9-23-203**, (Renumbered from 63N-10-202, as renumbered and amended by Laws of
142 Utah 2015, Chapter 283)
143 REPEALS:
144 **9-7-209**, as last amended by Laws of Utah 2006, Chapter 81
145 **9-7-210**, as last amended by Laws of Utah 1995, Chapter 32
146 **9-8-501**, as renumbered and amended by Laws of Utah 1992, Chapter 241
147 **9-24-103**, as renumbered and amended by Laws of Utah 2022, Chapter 362

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

150 Section 1. Section **9-7-101** is amended to read:

151 **9-7-101. Definitions.**

152 As used in this chapter:

153 (1) "Board" means the State Library Board created in Section 9-7-204.

154 (2) "Digital library" means the web-accessible digital library of state publications
155 created under Section 9-7-208.

156 ~~[(2)]~~ (3) "Division" means the State Library Division.

157 (4) "Legislative office" means the Office of Legislative Research and General Counsel.

158 (5) "Legislative publication" means:

159 (a) the Utah Code;

160 (b) the Laws of Utah; and

161 (c) a biennial version of the Utah Constitution after amendments that passed during the
162 regular general election are incorporated into the Utah Constitution.

163 ~~[(3)]~~ (6) "Library board" means the library board of directors appointed locally as
164 authorized by Section 9-7-402 or 9-7-502 and which exercises general policy authority for
165 library services within a city or county of the state, regardless of the title by which the board is
166 known locally.

167 ~~[(4)]~~ (7) "Physical format" means a transportable medium in which analog or digital
168 information is published, such as print, microform, magnetic disk, or optical disk.

169 ~~[(5)]~~ (8) "Policy" means the public library online access policy adopted by a library
170 board to meet the requirements of Section 9-7-215.

171 ~~[(6)]~~ (9) "Political subdivision" means a county, city, town, school district, public
172 transit district, redevelopment agency, or special improvement or taxing district.

173 ~~[(7)]~~ (10) (a) "State agency" means:

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

175 ~~[(b)]~~ (ii) an office, department, ~~[agency, authority, commission, board, institution,~~
176 ~~hospital, college, university,]~~ division, or other agency or instrumentality of the state.

177 (b) "State agency" includes the legislative office.

178 (c) "State agency" does not include:

179 (i) a political subdivision; or

180 (ii) a state institution of higher education.

181 (11) "State institution of higher education" means an institution described in Section
182 53B-2-101 or any other university or college that is established and maintained by the state.

183 ~~[(8)]~~ (12) (a) "State publication" means ~~[a book, compilation, directory, document,~~
 184 ~~contract or grant report, hearing memorandum, journal, law, legislative bill, magazine, map,~~
 185 ~~monograph, order, ordinance, pamphlet, periodical, proceeding, public memorandum,~~
 186 ~~resolution, register, rule, report, statute, audiovisual material, electronic publication,~~
 187 ~~micrographic form and tape or disc recording regardless of format or method of reproduction,~~
 188 ~~issued or published by a state agency or political subdivision for distribution]~~ any information,
 189 regardless of format, that a state agency makes available to the public, as required by law.

190 (b) "State publication" includes a legislative publication.

191 ~~[(b)]~~ (c) "State publication" does not include ~~[correspondence, internal confidential~~
 192 ~~publications, office memoranda, university press publications, or publications of the state~~
 193 ~~historical society]~~ information that a political subdivision or state institution of higher
 194 education makes available to the public.

195 Section 2. Section **9-7-201** is amended to read:

196 **9-7-201. State Library Division -- Creation -- Purpose.**

197 (1) There is created within the department the State Library Division under the
 198 administration and general supervision of the executive director or the designee of the
 199 executive director.

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

201 (3) The division shall function as the library authority for ~~[the state and is responsible~~
 202 ~~for general library services, extension services, the preservation, distribution and exchange of~~
 203 ~~state publications, legislative reference, and other services considered proper for a state~~
 204 ~~library.];~~

205 (a) general library services;

206 (b) mobile library services;

207 (c) providing for permanent public access to state publications; and

208 (d) other services considered proper for a state library.

209 Section 3. Section **9-7-203** is amended to read:

210 **9-7-203. Division duties.**

211 (1) ~~[The]~~ Subject to the requirements of this part, the division shall:

212 ~~[(1)]~~ (a) establish, operate, and maintain:

213 (i) a state publications collection[;];

214 (ii) a digital library of state publications[;]; and
 215 (iii) a bibliographic control system[~~and depositories as provided in this part~~];
 216 ~~[(2)]~~ (b) cooperate with:
 217 ~~[(a)]~~ (i) other state agencies to facilitate public access to government information
 218 through electronic networks or other means;
 219 ~~[(b)]~~ (ii) other state or national libraries or library agencies; and
 220 ~~[(c)]~~ (iii) the federal government or agencies in accepting federal aid whether in the
 221 form of funds or otherwise;
 222 ~~[(3)]~~ (c) receive bequests, gifts, and endowments of money and deposit the funds with
 223 the state treasurer to be placed in the State Library Donation Fund, which funds shall be held
 224 for the purpose, if any, specifically directed by the donor; and
 225 ~~[(4)]~~ (d) receive bequests, gifts, and endowments of property to be held, used, or
 226 disposed of, as directed by the donor[;];
 227 (i) in accordance with the division's policies for collection development; and
 228 (ii) with the approval of the Division of Finance.

229 (2) The division may not provide for public access to a state publication for which
 230 access is limited by federal copyright law unless the state agency that produces the state
 231 publication consents to the public access.

232 Section 4. Section **9-7-205** is amended to read:

233 **9-7-205. Duties of board and director.**

234 (1) The board shall:

- 235 (a) promote, develop, and organize a state library and make provisions for [its] the state
 236 library's housing;
- 237 (b) promote and develop library services throughout the state in cooperation with other
 238 state or municipal libraries, schools, or other agencies wherever practical;
- 239 (c) promote the establishment of district, regional, or multicounty libraries as
 240 conditions within particular areas of the state may require;
- 241 (d) supervise the books and materials of the state library and require the keeping of
 242 careful and complete records of the condition and affairs of the state library;
- 243 (e) establish policies for the administration of the division and for the control,
 244 distribution, and lending of books and materials to those libraries, institutions, groups, or

245 individuals entitled to them under this chapter;

246 (f) serve as the agency of the state for the administration of state or federal funds that
247 may be appropriated to further library development within the state;

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

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

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

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

262 (k) administer a [~~depository~~] state publications library program by collecting state
263 publications, providing access to state publications through the digital library, and providing a
264 bibliographic information system;

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

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

269 (n) develop standards for public libraries.

270 (2) The director shall, under the policy direction of the board, carry out the
271 responsibilities under Subsection (1).

272 Section 5. Section **9-7-207** is amended to read:

273 **9-7-207. Deposit of state publications.**

274 [~~(1) (a) Each state agency and political subdivision publishing a digital version of a
275 state publication shall deposit a digital copy with the division.~~]

276 ~~[(b) Each state agency and political subdivision shall deposit with the division copies~~
277 ~~of each state publication that it elects to publish in a physical format in the numbers specified~~
278 ~~by the state librarian.]~~

279 ~~[(c) The division shall forward two copies of each state publication published in a~~
280 ~~physical format deposited with it by a state agency to the Library of Congress, one copy to the~~
281 ~~state archivist, at least one copy to each depository library, and retain two copies.]~~

282 ~~[(2) Each state agency or political subdivision shall deposit with the division a digital~~
283 ~~copy of each audio and video publication or recording issued by it for bibliographic listing and~~
284 ~~retention in the digital library.]~~

285 ~~[(3) Each state agency or political subdivision shall deposit with the division copies of~~
286 ~~audio and video publications or recordings issued by it in physical formats in the numbers~~
287 ~~specified by the state librarian for bibliographic listing and retention in the state library~~
288 ~~collection.]~~

289 ~~[(4) (a) The division shall publish or make available to the public through electronic~~
290 ~~networks a list of state agency publications.]~~

291 ~~[(b) The list shall be published periodically and distributed to depository libraries and~~
292 ~~the state archivist.]~~

293 ~~[(5) Materials the division considers not to be of major public interest will be listed,~~
294 ~~but no copies will be required for deposit.]~~

295 (1) (a) A state agency shall submit to the division a digital copy of each state
296 publication the state agency makes available to the public regardless of format for biographic
297 listing and permanent retention in the digital library.

298 (b) A state agency may not remove a state publication that is posted to the state
299 agency's public website until the state agency submits a digital copy of the state publication to
300 the division under Subsection (1)(a).

301 (c) A state agency's submission of a state publication under Subsection (1)(a)
302 constitutes the state agency's compliance with the requirement under Section [46-5-108](#) to
303 ensure that the state publication is reasonably available for use by the public on a permanent
304 basis.

305 (2) (a) In addition to the requirements of Subsection (1), a state agency that elects to
306 publish a state publication in a physical format shall submit copies of the state publication to

307 the division in the numbers specified by the state librarian.

308 (b) The division shall:

309 (i) forward one copy of each state publication described in Subsection (2)(a) to the
310 state archivist; and

311 (ii) retain two copies of each state publication described in Subsection (2)(a) for the
312 division's collection of state publications.

313 (3) (a) A political subdivision or state institution of higher education may submit to the
314 division a digital copy of any information the political subdivision or state institution of higher
315 education makes available to the public.

316 (b) With respect to information submitted to the division by political subdivisions and
317 state institutions of higher education, the division may select the information the division
318 considers appropriate for permanent public access in the digital library.

319 Section 6. Section **9-7-208** is amended to read:

320 **9-7-208. Digital library for permanent public access.**

321 (1) The division shall manage and maintain an online, web-accessible digital library for
322 state publications submitted to the division by state agencies under Subsection 9-7-207(1).

323 (2) The division shall provide for permanent public access to ~~[the]~~ state publications in
324 the digital library.

325 (3) The digital library shall be accessible by agency, author, title, subject, keyword, text
326 search, and such other means as provided by the division.

327 ~~[(4)(a) Each state agency publishing a digital version of a state publication shall~~
328 ~~deposit a digital copy of the publication with the division.]~~

329 ~~[(b) A state agency may not remove a state publication it posts to its public website~~
330 ~~until a copy is deposited into the digital library for permanent public access.]~~

331 (4) The division shall make state publications in the digital library available for
332 download.

333 Section 7. Section **9-7-213** is amended to read:

334 **9-7-213. Rulemaking.**

335 The division may make rules in accordance with Title 63G, Chapter 3, Utah
336 Administrative Rulemaking Act, necessary to implement and administer the provisions of this
337 chapter including:

338 (1) standards [~~which shall be met by libraries to obtain and retain a designation as a~~
339 ~~depository library~~] for submitting state publications to the division under Section 9-7-207;

340 (2) the method by which grants are made to individual libraries, but not including
341 appropriations made directly to any other agency or institution;

342 (3) standards for the certification of public librarians; and

343 (4) standards for the public library online access policy required in Section 9-7-215.

344 Section 8. Section 9-7-215 is amended to read:

345 **9-7-215. Internet and online access policy required.**

346 (1) As used in this section:

347 (a) "Child pornography" is as defined in Section 76-5b-103.

348 (b) "Harmful to minors" is as defined in Section 76-10-1201.

349 (c) "Obscene" is as defined in 20 U.S.C. Sec. 9101.

350 (d) "Technology protection measure" means a technology that blocks or filters Internet
351 access to visual depictions.

352 (2) State funds may not be provided to any public library that provides public access to
353 the Internet unless the library:

354 (a) (i) has in place a policy of Internet safety for minors, including the operation of a
355 technology protection measure:

356 (A) with respect to any computer or other device while connected to the Internet
357 through a network provided by the library, including a wireless network; and

358 (B) that protects against access to visual depictions that are[:] child pornography,
359 harmful to minors, or obscene; and

360 [~~(F) child pornography;~~]

361 [~~(H) harmful to minors; or~~]

362 [~~(HH) obscene; and~~]

363 (ii) is enforcing the operation of the technology protection measure described in
364 Subsection (2)(a)(i) during any use by a minor of a computer or other device that is connected
365 to the Internet through a network provided by the library, including a wireless network; and

366 (b) (i) has in place a policy of Internet safety, including the operation of a technology
367 protection measure:

368 (A) with respect to any computer or other device while connected to the Internet

369 through a network provided by the library, including a wireless network; and

370 (B) that protects against access to visual depictions that are~~[:]~~ child pornography,
371 harmful to minors, or obscene; and

372 [~~(F)~~ child pornography; or]

373 [~~(H)~~ obscene; and]

374 (ii) is enforcing the operation of the technology protection measure described in
375 Subsection (2)(b)(i) during any use of a computer or other device that is connected to the
376 Internet through a network provided by the library, including a wireless network.

377 (3) This section does not prohibit a public library from limiting Internet access or
378 otherwise protecting against materials other than the materials specified in this section.

379 (4) An administrator, supervisor, or other representative of a public library may disable
380 a technology protection measure described in Subsection (2):

381 (a) at the request of a library patron who is not a minor; and

382 (b) to enable access for research or other lawful purposes.

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

384 **9-8-102. Definitions.**

385 As used in this chapter:

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

387 (2) "Director" means the director of the [~~Division of State History~~] Utah Historical
388 Society.

389 [~~(3)~~ "Division" means the Division of State History.]

390 [~~(4)~~] (3) "Documentary materials" means written or documentary information
391 contained in published materials, manuscript collections, archival materials, photographs,
392 sound recordings, motion pictures, and other written, visual, and aural materials, except
393 government records.

394 [~~(5)~~] (4) "Historical artifacts" means objects produced or shaped by human efforts, a
395 natural object deliberately selected and used by a human, an object of aesthetic interest, and
396 any human-made objects produced, used, or valued by the historic peoples of Utah.

397 (5) "Museum of Utah" means the Museum of Utah created in Section 9-8-209.

398 (6) "Society" means the Utah [~~State~~] Historical Society created in Section [~~9-8-207~~]
399 9-8-201.

400 Section 10. Section 9-8-201 is amended to read:

401 **Part 2. Utah Historical Society**

402 **9-8-201. Utah Historical Society -- Creation -- Purpose.**

403 (1) There is created within the department the ~~[Division of State History]~~ Utah
404 Historical Society under the administration and general supervision of the executive director or
405 the designee of the executive director.

406 ~~[(2) The division shall be under the policy direction of the board.]~~

407 ~~[(3)]~~ (2) The division, with the advisement of the board, shall be the authority of the
408 state for state history and shall perform those duties set forth in statute.

409 Section 11. Section 9-8-202 is amended to read:

410 **9-8-202. Appointment of director.**

411 The executive director, in consultation with the board, shall appoint a director of the
412 ~~[division]~~ society:

413 (1) to serve as the chief administrative officer of the ~~[division]~~ society; and

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

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

417 **9-8-203. Society duties.**

418 (1) The ~~[division]~~ society shall:

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

421 (b) maintain a specialized history library;

422 ~~[(c) mark and preserve historic sites, areas, and remains;]~~

423 ~~[(d)]~~ (c) collect, preserve, and administer historical records relating to the history of
424 Utah;

425 ~~[(e)]~~ (d) administer, collect, preserve, document, interpret, develop, and exhibit
426 historical artifacts, documentary materials, and other objects relating to the history of Utah for
427 educational and cultural purposes;

428 ~~[(f)]~~ (e) edit and publish historical records;

429 ~~[(g)]~~ (f) cooperate with local, state, and federal agencies and schools and museums to
430 provide coordinated and organized activities for the collection, documentation, preservation,

431 interpretation, and exhibition of historical artifacts related to the state;

432 [~~(h)~~] (g) promote, coordinate, and administer:

433 (i) Utah History Day at the Capitol designated under Section [63G-1-401](#); and

434 (ii) the Utah History Day program affiliated with National History Day, which includes
435 a series of regional, state, and national activities and competitions for students from grades 4
436 through 12;

437 [~~(i)~~] (h) subject to legislative appropriations, provide grants and technical assistance as
438 necessary and appropriate; [~~and~~]

439 (i) administer educational programs in partnership with public and private entities in
440 the state; and

441 (j) comply with the procedures and requirements of Title 63G, Chapter 4,
442 Administrative Procedures Act, in adjudicative proceedings.

443 (2) (a) The [~~division~~] society may acquire or produce reproductions of historical
444 artifacts and documentary materials for educational and cultural use.

445 (b) The society may only deaccession an item described in Subsection (2)(a) in
446 accordance with rules made by the division in accordance with Title 63G, Chapter 3, Utah
447 Administrative Rulemaking Act.

448 (c) An item that is to be deaccessioned in accordance with society rule is not state
449 surplus property as that term is defined in Section [63A-2-101.5](#), and the society is not subject
450 to the surplus property program described in Section [63A-2-401](#) for that item.

451 (3) To promote an appreciation of Utah history and to increase heritage tourism in the
452 state, the [~~division~~] society shall:

453 (a) (i) create and maintain an inventory of all historic markers and monuments that are
454 accessible to the public throughout the state;

455 (ii) enter into cooperative agreements with other groups and organizations to collect
456 and maintain the information needed for the inventory;

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

459 (iv) publicize the information in the inventory in a variety of forms and media,
460 especially to encourage Utah citizens and tourists to visit the markers and monuments;

461 (v) work with public and private landowners, heritage organizations, and volunteer

462 groups to help maintain, repair, and landscape around the markers and monuments; and

463 (vi) make the inventory available upon request to all other public and private history
464 and heritage organizations, tourism organizations and businesses, and others;

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

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

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

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

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

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

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

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

484 (ii) gather information for the information system created and maintained under
485 Subsection (3)(c)(i) and help maintain, repair, and landscape cemeteries, grave sites, and
486 tombstones as described in Subsection (3)(b)(vi) by providing matching grants, upon approval
487 by the board, to:

488 (A) municipal cemeteries;

489 (B) cemetery maintenance districts;

490 (C) endowment care cemeteries;

491 (D) private nonprofit cemeteries;

492 (E) genealogical associations; and

- 493 (F) other nonprofit groups with an interest in cemeteries; and
494 (iii) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative
495 Rulemaking Act, for granting matching funds under Subsection (3)(c)(ii) to ensure that:
496 (A) professional standards are met; and
497 (B) projects are cost effective.
498 (4) This chapter may not be construed to authorize the [division] society to acquire by
499 purchase any historical artifacts, documentary materials, or specimens that are restricted from
500 sale by federal law or the laws of any state, territory, or foreign nation.

501 Section 13. Section **9-8-204** is amended to read:

502 **9-8-204. Board of State History.**

- 503 (1) There is created within the department the Board of State History.
504 (2) The board shall consist of 11 members appointed by the governor with the advice
505 and consent of the Senate, in accordance with Title 63G, Chapter 24, Part 2, Vacancies, who
506 are persons with an interest in the subject matter of the [division's] society's responsibilities.
507 (3) (a) Except as required by Subsection (3)(b), the members shall be appointed for
508 terms of four years and shall serve until their successors are appointed and qualified.
509 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
510 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
511 board members are staggered so that approximately half of the board is appointed every two
512 years.
513 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
514 appointed for the unexpired term with the consent of the Senate.
515 (5) A simple majority of the board constitutes a quorum for conducting board business.
516 (6) The governor shall select a chair and vice chair from the board members.
517 (7) A member may not receive compensation or benefits for the member's service, but
518 may receive per diem and travel expenses in accordance with:
519 (a) Section [63A-3-106](#);
520 (b) Section [63A-3-107](#); and
521 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
522 [63A-3-107](#).
523 (8) A member shall comply with the conflict of interest provisions described in Title

524 63G, Chapter 24, Part 3, Conflicts of Interest.

525 Section 14. Section **9-8-205** is amended to read:

526 **9-8-205. Board duties and powers.**

527 (1) The board shall:

528 [~~(a) with respect to the division:~~]

529 [(i)] (a) make policies to direct the [division] director in carrying out the director's
530 duties;

531 [(ii)] (b) approve the [division's] society's rules; and

532 [(iii)] (c) [~~assist the division in development~~] make recommendations to the society for
533 the development of programs consistent with this chapter[~~; and~~].

534 [(iv)] [~~review and approve, if appropriate, matching grants under Subsection~~

535 ~~9-8-203(3)(c)(ii); and~~]

536 [(b)] [~~with respect to the State Historic Preservation Office created in Section 9-8-902:~~]

537 [(i)] [~~make policies to direct the state historic preservation officer in carrying out the~~
538 ~~officer's duties; and~~]

539 [(ii)] [~~assist the office in programs consistent with Part 9, State Historic Preservation~~
540 ~~Office.~~]

541 (2) The board may establish [~~advisory committees~~] subcommittees to assist the board,
542 the office, and the [division] society in carrying out the responsibilities under this chapter.

543 Section 15. Section **9-8-206** is amended to read:

544 **9-8-206. Historical magazine, books, documents, and microfilms -- Proceeds.**

545 (1) The [division] society shall, under the direction of the board:

546 (a) compile and publish an historical magazine to be furnished to supporting members
547 of the society in accordance with membership subscriptions or to be sold independently of
548 membership; and

549 (b) publish and sell other books, documents, and microfilms at reasonable prices to be
550 approved by the director.

551 (2) Proceeds from sales under this section shall be deposited into the General Fund as a
552 dedicated credit.

553 Section 16. Section **9-8-207** is amended to read:

554 **9-8-207. Donations -- Accounting.**

555 (1) ~~[(a) There is created the Utah State Historical Society.]~~

556 ~~[(b)]~~ The society may:

557 ~~[(i)]~~ (a) solicit memberships from persons interested in the work of the society and
558 charge dues for memberships commensurate with the advantages of membership and the needs
559 of the society; and

560 ~~[(ii)]~~ (b) receive gifts, donations, bequests, devises, and endowments of money or
561 property, which shall then become the property of the state of Utah.

562 (2) (a) If the donor directs that money or property donated under Subsection ~~[(1)(b)(ii)]~~
563 (1)(b) be used in a specified manner, then the ~~[division]~~ society shall use ~~[it]~~ the money or
564 property in accordance with ~~[these]~~ the specified directions.

565 (b) ~~[Otherwise]~~ Except as provided in Subsection (2)(a), all donated money and the
566 proceeds from donated property, together with the charges realized from society memberships,
567 shall be deposited in the General Fund as restricted revenue of the society.

568 ~~[(b)]~~ (c) Funds received from donations to the society under Section [41-1a-422](#) shall be
569 deposited into the General Fund as a dedicated credit to achieve the mission and purpose of the
570 society.

571 ~~[(3) The division shall keep a correct account of funds and property received, held, or~~
572 ~~disbursed by the society, and shall make reports to the governor as in the case of other state~~
573 ~~institutions.]~~

574 Section 17. Section **9-8-209** is enacted to read:

575 **9-8-209. Museum of Utah -- Creation -- Duties.**

576 (1) There is created within the society the Museum of Utah under the administration
577 and supervision of the director or the designee of the director.

578 (2) The Museum of Utah shall:

579 (a) function as an educational outlet for the society to educate the public on Utah
580 history and culture;

581 (b) support the efforts of museums, historical organizations, and other cultural
582 organizations in the state to promote and preserve Utah history and culture;

583 (c) serve as a repository of historical artifacts acquired by the department;

584 (d) stimulate research, study, and activity in the field of Utah history, museum studies,
585 and related fields of study;

- 586 (e) exhibit collections to the public on a regular schedule;
- 587 (f) facilitate strategic partnerships to advance the development of museums, historical
- 588 organizations, and other cultural organizations in the state; and
- 589 (g) establish and coordinate best practices among museum professionals and volunteers
- 590 in the state.

591 Section 18. Section **9-8-701** is amended to read:

592 **9-8-701. Definitions.**

593 As used in this part:

594 [~~(1)~~ "Board" means the Board of State History.]

595 [~~(2)~~ "Division" means the Division of State History.]

596 [~~(3)~~] (1) "Endowment fund" means any history endowment fund created under this part
597 by a qualifying organization.

598 [~~(4)~~] (2) "Qualifying organization" means any Utah nonprofit history organization or
599 local government that qualifies under this chapter to create an endowment fund, receive state
600 money into the endowment fund, match state money deposited into the endowment fund, and
601 expend interest earned on the endowment fund.

602 Section 19. Section **9-8-704** is amended to read:

603 **9-8-704. Society duties.**

604 The [~~division~~] society shall, according to policy established by the board:

605 (1) allocate money from funds made available for that purpose to the endowment fund
606 created by a qualifying organization under Section **9-8-703**;

607 (2) determine the eligibility of each qualifying organization to receive money from
608 funds made available for that purpose into the endowment fund of the qualifying organization;

609 (3) determine the matching amount each qualifying organization must raise in order to
610 qualify to receive money from funds made available for that purpose;

611 (4) establish a date by which each qualifying organization must provide the qualifying
612 organization's matching funds;

613 (5) verify that matching funds have been provided by each qualifying organization by
614 the date determined in Subsection (4); and

615 (6) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
616 make rules establishing criteria for determining the eligibility of qualifying organizations to

617 receive money from funds made available for that purpose.

618 Section 20. Section 9-8-705 is amended to read:

619 **9-8-705. Eligibility requirements of qualifying history organizations -- Allocation**
620 **limitations -- Matching requirements.**

621 (1) A qualifying organization may apply to receive money from funds made available
622 for that purpose to be deposited into an endowment fund created under Section 9-8-703 if the
623 qualifying organization has:

624 (a) received a grant from the [division] society during one of the three years
625 immediately before making application for money under this Subsection (1); or

626 (b) not received a grant from the [division] society within the past three years, the
627 qualifying organization may receive a grant upon approval by the [division] society according
628 to policy of the board.

629 (2) (a) The maximum amount that may be allocated to each qualifying organization
630 from funds made available for that purpose shall be determined by the [division] society in a
631 format to be developed in consultation with the board.

632 (b) The minimum amount that may be allocated to each qualifying organization from
633 funds made available for that purpose is \$2,500.

634 (3) (a) After the [division] society determines that a qualifying organization is eligible
635 to receive money from funds made available for that purpose and before any money is allocated
636 to the qualifying organization from available funds, the qualifying organization shall match the
637 amount qualified for by money raised and designated exclusively for that purpose.

638 (b) State money and in-kind contributions may not be used to match money from funds
639 made available for that purpose.

640 (4) Endowment match money shall be based on a sliding scale as follows:

641 (a) amounts requested up to \$20,000 shall be matched one-to-one;

642 (b) any additional amount requested that makes the aggregate amount requested exceed
643 \$20,000 but not exceed \$50,000 shall be matched two-to-one; and

644 (c) any additional amount requested that makes the aggregate amount requested exceed
645 \$50,000 shall be matched three-to-one.

646 (5) (a) Qualifying organizations shall raise the matching amount by a date determined
647 by the board.

648 (b) (i) Money from funds made available for that purpose shall be released to the
649 qualifying organization upon verification by the [division] society that the matching money has
650 been received on or before the date determined under Subsection (5)(a).

651 (ii) Verification of matching funds shall be made by a certified public accountant.

652 (c) Money from funds made available for that purpose shall be released to qualifying
653 organizations with professional endowment management in increments of at least \$2,500 as
654 audited confirmation of matching funds is received by the board.

655 (d) Money from funds made available for that purpose shall be granted to each
656 qualifying organization on the basis of the matching funds the qualifying organization has
657 raised by the date determined under Subsection (5)(a).

658 Section 21. Section 9-8-707 is amended to read:

659 **9-8-707. Spending restrictions -- Return of endowment.**

660 (1) A qualifying organization that has received endowment money from funds made
661 available for that purpose:

662 (a) may not expend the money or the required matching money in the endowment fund;
663 and

664 (b) may expend the interest income earned on the money in the endowment fund.

665 (2) If a qualifying organization expends money in violation of Subsection (1), the
666 qualifying organization shall return the amount of money allocated by the [division] society
667 under this part to the Division of Finance.

668 Section 22. Section 9-8-708 is amended to read:

669 **9-8-708. Federal match.**

670 Funds allocated by the [division] society under this part to enable qualifying
671 organizations to create their own endowment funds may be construed as a state match for any
672 history funding from the federal government that may be provided.

673 Section 23. Section 9-8a-101, which is renumbered from Section 9-8-901 is
674 renumbered and amended to read:

675 **CHAPTER 8a. STATE HISTORIC PRESERVATION OFFICE**

676 **Part 1. General Provisions**

677 ~~[9-8-901].~~ **9-8a-101. Definitions.**

678 As used in this ~~[part and in Section 9-8-205]~~ chapter:

- 679 (1) "Board" means the Board of State History created in Section [9-8-204](#).
 680 (2) "Committee" means the National Register Review Committee created in Section
 681 [\[9-8-905\] 9-8a-204](#).
 682 (3) "Office" means the State Historic Preservation Office created in Section [\[9-8-902\]](#)
 683 [9-8a-201](#).
 684 (4) "Officer" means the state historic preservation officer, appointed in accordance
 685 with Section [\[9-8-903\] 9-8a-202](#).

686 Section 24. Section **9-8a-201**, which is renumbered from Section 9-8-902 is
 687 renumbered and amended to read:

688 **Part 2. State Historic Preservation Office**

689 [\[9-8-902\]](#). **9-8a-201. State Historic Preservation Office -- Creation -- Purpose.**

690 (1) There is created within the department the State Historic Preservation Office under
 691 the administration and supervision of the executive director or the designee of the executive
 692 director.

693 (2) The office shall be under the policy direction of the board.

694 (3) The office shall be the authority in the state for state history preservation and shall
 695 perform those duties set forth in statute.

696 Section 25. Section **9-8a-202**, which is renumbered from Section 9-8-903 is
 697 renumbered and amended to read:

698 [\[9-8-903\]](#). **9-8a-202. Appointment of state historic preservation officer.**

699 (1) In accordance with 36 C.F.R. Sec. 61.4, the governor shall appoint the state historic
 700 preservation officer.

701 (2) The officer shall administer:

702 (a) the office; and

703 (b) the state historic preservation program.

704 Section 26. Section **9-8a-203**, which is renumbered from Section 9-8-904 is
 705 renumbered and amended to read:

706 [\[9-8-904\]](#). **9-8a-203. Office duties.**

707 The office shall:

708 (1) secure, for the present and future benefit of the state, the protection of
 709 archaeological resources and sites which are on state lands;

710 (2) foster increased cooperation and exchange of information between state authorities,
711 the professional archaeological community, and private individuals;

712 (3) in cooperation with federal and state agencies, local governments, private
713 organizations, and private individuals, direct and conduct a comprehensive statewide survey of
714 historic properties;

715 (4) maintain an inventory of the properties described in Subsection (3);

716 (5) identify and nominate eligible property to the National Register of Historic Places;

717 (6) administer applications for listing historic property on the National Register of
718 Historic Places;

719 (7) prepare and implement a comprehensive statewide historic preservation plan;

720 (8) administer the state program of federal assistance for historic preservation within
721 the state;

722 (9) advise and assist, as appropriate, state agencies, federal agencies, and local
723 governments in carrying out their historic preservation responsibilities;

724 (10) cooperate with federal agencies, state agencies, local agencies, private
725 organizations, and individuals to ensure that historic property is taken into consideration at all
726 levels of planning and development;

727 (11) provide, with respect to historic preservation:

728 (a) public information;

729 (b) education;

730 (c) training; and

731 (d) technical assistance;

732 (12) cooperate with local governments in the development of local historic
733 preservation programs;

734 (13) consult with appropriate federal agencies with respect to:

735 (a) federal undertakings that may affect historic properties; and

736 (b) advising and assisting in the evaluation of proposals for rehabilitation projects that
737 may qualify for federal assistance;

738 (14) perform other duties as designated under 54 U.S.C. Sec. 302303; and

739 (15) perform other duties as designated by the department and by statute.

740 Section 27. Section **9-8a-204**, which is renumbered from Section 9-8-905 is

741 renumbered and amended to read:

742 ~~[9-8-905]~~. **9-8a-204. National Register Review Committee.**

743 (1) There is created the National Register Review Committee.

744 (2) The committee shall be composed of ~~[seven]~~ nine members, at least ~~[four]~~ five of
745 whom have professional experience in:

746 (a) history;

747 (b) prehistoric and historic archaeology;

748 (c) architectural history;

749 (d) architecture;

750 (e) folklore;

751 (f) cultural anthropology;

752 (g) museology, curation, or conservation;

753 (h) landscape architecture; or

754 (i) planning.

755 (3) To qualify as a member with professional experience in a discipline described in
756 Subsection (2), a member shall meet the professional qualifications standards described in 36
757 C.F.R. Sec. 61.4.

758 (4) The committee shall serve as Utah's State Historic Preservation Review Board
759 described in 36 C.F.R. Sec. 61.4.

760 (5) The officer and the director shall make the initial appointments to the committee.

761 (6) (a) Except as described in Subsections (6)(b) and (c), a member shall serve a term
762 of four years.

763 (b) When making initial appointments to the committee, the director and the officer
764 shall stagger the terms so that approximately half of the committee members serve an initial
765 term of two years.

766 (c) When the term of a current member expires, a member shall be reappointed or a
767 new member shall be appointed in accordance with Subsection (8).

768 (7) (a) When a vacancy occurs in the membership for any reason, a replacement shall
769 be appointed in accordance with Subsection (8) for the unexpired term.

770 (b) A member whose term has expired may continue to serve until a replacement is
771 appointed.

772 (8) The committee shall nominate a member to fill a vacancy described in Subsection
773 (6)(c) or (7)(a), subject to the approval of the director and the officer.

774 (9) A member may serve more than one term, but may not serve more than three terms.

775 (10) A majority of the members of the committee is a quorum.

776 (11) A member may not receive compensation or benefits for the member's service.

777 (12) The committee shall meet at least one time per year.

778 (13) The committee shall elect a chair from the committee's members.

779 (14) The committee shall:

780 (a) review, evaluate, and comment on the eligibility of properties nominated to the
781 National Register of Historic Places;

782 (b) review the documentation of nominated parties and recommended changes to the
783 National Register of Historic Places nomination;

784 (c) bring to the attention of the office and the officer properties which may meet the
785 National Register of Historic Places criteria for evaluation;

786 (d) recommend the removal of properties from the National Register of Historic
787 Places;

788 (e) assist the officer and the office in statewide efforts to encourage public and private
789 persons to identify, nominate, protect, enhance, and maintain the state's historic resources; and

790 (f) review the State Historic Preservation Plan prior to submission to the United States
791 Department of the Interior.

792 Section 28. Section **9-8a-205**, which is renumbered from Section 9-8-208 is
793 renumbered and amended to read:

794 **~~[9-8-208]~~. 9-8a-205. Cultural Site Stewardship Program -- Definitions --**
795 **Creation -- Objectives -- Administration -- Activities.**

796 (1) As used in this section:

797 (a) (i) "Cultural site" means a significant archaeological or paleontological site in the
798 state as determined by the ~~[division]~~ office.

799 (ii) "Cultural site" may include a:

800 (A) site as defined in Section ~~[9-8-302]~~ 9-8a-302; and

801 (B) site as defined in Section 79-3-102.

802 (b) "Stewardship program" means the Cultural Site Stewardship Program created in

803 this section.

804 (c) "Vandalism" means to damage, destroy, or commit any other act that defaces or
805 harms a cultural site without the consent of the owner or appropriate governmental agency,
806 including inscribing, marking, etching, scratching, drawing, painting on, or affixing to the
807 cultural resource a mark, figure, or design.

808 (2) There is created within the [division] office the Cultural Site Stewardship Program.

809 (3) The [division] office shall seek to accomplish the following objectives through
810 administration of the stewardship program:

811 (a) protect cultural sites located in the state;

812 (b) increase public awareness of the significance and value of cultural sites and the
813 damage done to cultural sites by vandalism;

814 (c) discourage vandalism and the unlawful sale and trade of archaeological artifacts
815 and paleontological artifacts;

816 (d) support and encourage improved standards for investigating and researching
817 cultural sites in the state;

818 (e) promote cooperation among governmental agencies, private landowners, Native
819 American tribes, industry groups, and interested persons to protect cultural sites; and

820 (f) increase the inventory of cultural sites maintained in accordance with Subsections
821 ~~9-8-304(2)(b)~~ 9-8a-304(2)(b) and 79-3-202(1)(m).

822 (4) The [division] office shall:

823 (a) maintain a position to oversee the operation of the stewardship program; and

824 (b) provide administrative services to the stewardship program.

825 (5) The [division] office shall select, train, and certify volunteers to participate in the
826 stewardship program, based on rules made by the [division] office in accordance with Title
827 63G, Chapter 3, Utah Administrative Rulemaking Act.

828 (6) To accomplish the stewardship program's objectives, the [division] office shall:

829 (a) enter into agreements with the entities described in Subsection (3)(e) to promote the
830 protection of cultural sites;

831 (b) establish a list of cultural sites suitable for monitoring, in cooperation with the
832 entities described in Subsection (3)(e);

833 (c) schedule periodic monitoring activities by volunteers of each cultural site included

834 on the list described in Subsection (6)(b), after obtaining approval of the landowner or
835 manager;

836 (d) establish rules, in accordance with Title 63G, Chapter 3, Utah Administrative
837 Rulemaking Act, for reporting vandalism of a cultural site to the appropriate authority; and

838 (e) establish programs for educating members of the public about the significance and
839 value of cultural sites and the loss to members of the public resulting from vandalism of
840 cultural sites.

841 (7) The ~~[division]~~ office shall coordinate the activities of governmental agencies,
842 private landowners, and Native American tribes, as necessary, to carry out the stewardship
843 program.

844 (8) A volunteer participating in the stewardship program may not receive
845 compensation, benefits, per diem allowance, or travel expenses for the volunteer's service.

846 (9) The ~~[division]~~ office may accept gifts, grants, donations, or contributions from any
847 source to assist the division in the administration of the stewardship program.

848 (10) Nothing in this section may be construed to alter or affect the ~~[division's]~~ office's
849 duties under Section ~~[9-8-404]~~ 9-8a-404.

850 Section 29. Section ~~9-8a-301~~, which is renumbered from Section 9-8-301 is
851 renumbered and amended to read:

852 **Part 3. Antiquities**

853 ~~[9-8-301]~~. **9-8a-301. Purpose.**

854 (1) The Legislature declares that the general public and the beneficiaries of the school
855 and institutional land grants have an interest in the preservation and protection of the state's
856 archaeological and anthropological resources and a right to the knowledge derived and gained
857 from scientific study of those resources.

858 (2) (a) The Legislature finds that policies and procedures for the survey and excavation
859 of archaeological resources from school and institutional trust lands are consistent with the
860 school and institutional land grants, if these policies and procedures insure that primary
861 consideration is given, on a site or project specific basis, to the purpose of support for the
862 beneficiaries of the school and institutional land grants.

863 (b) The Legislature finds that the preservation, placement in a repository, curation, and
864 exhibition of specimens found on school or institutional trust lands for scientific and

865 educational purposes is consistent with the school and institutional land grants.

866 (c) The Legislature finds that the preservation and development of sites found on
867 school or institutional trust lands for scientific or educational purposes, or the disposition of
868 sites found on school or institutional trust lands, after consultation between the ~~[division]~~ office
869 and the School and Institutional Trust Lands Administration to determine the appropriate level
870 of data recovery or implementation of other appropriate preservation measures, for
871 preservation, development, or economic purposes, is consistent with the school and
872 institutional land grants.

873 (d) The Legislature declares that specimens found on lands owned or controlled by the
874 state or its subdivisions may not be sold.

875 (3) The Legislature declares that the historical preservation purposes of this chapter
876 must be kept in balance with the other uses of land and natural resources which benefit the
877 health and welfare of the state's citizens.

878 (4) It is the purpose of this part and Part 4, Historic Sites, to provide that the survey,
879 excavation, curation, study, and exhibition of the state's archaeological and anthropological
880 resources be undertaken in a coordinated, professional, and organized manner for the general
881 welfare of the public and beneficiaries alike.

882 Section 30. Section ~~9-8a-302~~, which is renumbered from Section 9-8-302 is
883 renumbered and amended to read:

884 ~~[9-8-302].~~ 9-8a-302. Definitions.

885 As used in this part and Part 4, Historic Sites:

886 (1) "Agency" means a department, division, office, bureau, board, commission, or
887 other administrative unit of the state.

888 (2) "Ancient human remains" means all or part of the following that are historic or
889 prehistoric:

890 (a) a physical individual; and

891 (b) any object on or attached to the physical individual that is placed on or attached to
892 the physical individual as part of the death rite or ceremony of a culture.

893 (3) "Antiquities Section" means the Antiquities Section of the ~~[Division of State~~
894 ~~History]~~ office created in Section ~~[9-8-304]~~ 9-8a-304.

895 (4) "Archaeological resources" means all material remains and their associations,

896 recoverable or discoverable through excavation or survey, that provide information pertaining
897 to the historic or prehistoric peoples of the state.

898 (5) "Collection" means a specimen and the associated records documenting the
899 specimen and ~~[its]~~ the specimen's recovery.

900 (6) "Curation" means management and care of collections according to standard
901 professional museum practice, which may include inventorying, accessioning, labeling,
902 cataloging, identifying, evaluating, documenting, storing, maintaining, periodically inspecting,
903 cleaning, stabilizing, conserving, exhibiting, exchanging, or otherwise disposing of original
904 collections or reproductions, and providing access to and facilities for studying collections.

905 (7) "Curation facility" means the same as that term is defined in Section [53B-17-603](#).

906 ~~[(8) "Division" means the Division of State History created in Section [9-8-201](#).]~~

907 ~~[(9)]~~ (8) "Excavate" means the recovery of archaeological resources.

908 ~~[(10)]~~ (9) "Historic property" means any prehistoric or historic district, site, building,
909 structure, or specimen included in, or eligible for inclusion in, the National Register of Historic
910 Places or the State Register.

911 ~~[(11)]~~ (10) "Indian tribe" means a tribe, band, nation, or other organized group or
912 community of Indians that is recognized as eligible for the special programs and services
913 provided by the United States to Indians because of their status as Indians.

914 ~~[(12)]~~ (11) "Museum" means the Utah Museum of Natural History.

915 ~~[(13)]~~ (12) (a) "Nonfederal land" means land in the state that is not owned, controlled,
916 or held in trust by the federal government.

917 (b) "Nonfederal land" includes:

918 (i) land owned or controlled by:

919 (A) the state;

920 (B) a county, city, or town;

921 (C) an Indian tribe, if the land is not held in trust by the United States for the Indian
922 tribe or the Indian tribe's members; or

923 (D) a person other than the federal government; or

924 (ii) school and institutional trust lands.

925 ~~[(14)]~~ (13) "Principal investigator" means the individual with overall administrative
926 responsibility for the survey or excavation project authorized by the permit.

927 ~~[(15)]~~ (14) "Repository" means the same as that term is defined in Section 53B-17-603.

928 ~~[(16)]~~ (15) "School and institutional trust lands" are those properties defined in Section
929 53C-1-103.

930 ~~[(17)]~~ (16) "Site" means any petroglyphs, pictographs, structural remains, or
931 geographic location that is the source of archaeological resources or specimens.

932 ~~[(18)]~~ (17) "Specimen" means all man-made artifacts and remains of an archaeological
933 or anthropological nature found on or below the surface of the earth, excluding structural
934 remains.

935 ~~[(19) "State historic preservation officer" means that position mentioned in 54 U.S.C.~~
936 ~~Sec. 302303, as amended.]~~

937 ~~[(20)]~~ (18) (a) "State land" means land owned by the state including the state's:

938 (i) legislative and judicial branches;

939 (ii) departments, divisions, agencies, boards, commissions, councils, and committees;

940 and

941 (iii) institutions of higher education as defined under Section 53B-3-102.

942 (b) "State land" does not include:

943 (i) land owned by a political subdivision of the state;

944 (ii) land owned by a school district;

945 (iii) private land; or

946 (iv) school and institutional trust lands.

947 ~~[(21)]~~ (19) "Survey" means a surface investigation for archaeological resources that
948 may include:

949 (a) insubstantial surface collection of archaeological resources; and

950 (b) limited subsurface testing that disturbs no more of a site than is necessary to
951 determine the nature and extent of the archaeological resources or whether the site is a historic
952 property.

953 Section 31. Section ~~9-8a-304~~, which is renumbered from Section 9-8-304 is
954 renumbered and amended to read:

955 ~~[9-8-304].~~ **9-8a-304. Antiquities Section created -- Duties.**

956 (1) There is created within the ~~[division]~~ office the Antiquities Section.

957 (2) The Antiquities Section shall:

- 958 (a) promote research, study, and activities in the field of antiquities;
- 959 (b) assist with the marking, protection, and preservation of sites;
- 960 (c) assist with the collection, preservation, and administration of specimens until the
- 961 specimens are placed in a repository or curation facility;
- 962 (d) provide advice on the protection and orderly development of archaeological
- 963 resources, and in doing so confer with the Public Lands Policy Coordinating Office if
- 964 requested;
- 965 (e) assist with the excavation, retrieval, and proper care of ancient human remains
- 966 discovered on nonfederal lands in accordance with:
 - 967 (i) Section [~~9-8-309~~] 9-8a-309;
 - 968 (ii) Section 9-9-403;
 - 969 (iii) Subsection 76-9-704(3); and
 - 970 (iv) federal law;
- 971 (f) collect and administer site survey and excavation records;
- 972 (g) edit and publish antiquities records;
- 973 (h) inform the [~~state historic preservation~~] officer in writing about any request for
- 974 advice or consultation from an agency or an agency's agent; and
 - 975 (i) employ an archaeologist meeting the requirements of 36 C.F.R. 61.4.
- 976 (3) The Antiquities Section shall cooperate with local, state, and federal agencies and
- 977 all interested persons to achieve the purposes of this part and Part 4, Historic Sites.
- 978 (4) Before performing the duties specified in Subsections (2)(a) through (e), the
- 979 Antiquities Section shall obtain permission from the landowner.

980 Section 32. Section ~~9-8a-305~~, which is renumbered from Section 9-8-305 is

981 renumbered and amended to read:

982 ~~[9-8-305]~~. 9-8a-305. Permit required to survey or excavate on state lands --

983 **Public Lands Policy Coordinating Office to issue permits and make rules -- Ownership of**

984 **collections and resources -- Revocation or suspension of permits -- Criminal penalties.**

985 (1) (a) Except as provided by Subsections (1)(d) and (3)(c), each principal investigator

986 who wishes to survey or excavate on any lands owned or controlled by the state, its political

987 subdivisions, or by the School and Institutional Trust Lands Administration shall obtain a

988 survey or excavation permit from the Public Lands Policy Coordinating Office.

989 (b) A principal investigator who holds a valid permit under this section may allow
990 other individuals to assist the principal investigator in a survey or excavation if the principal
991 investigator ensures that all the individuals comply with the law, the rules, the permit, and the
992 appropriate professional standards.

993 (c) A person, other than a principal investigator, may not survey or excavate on any
994 lands owned or controlled by the state, its political subdivisions, or by the School and
995 Institutional Trust Lands Administration unless the person works under the direction of a
996 principal investigator who holds a valid permit.

997 (d) A permit obtained before July 1, 2006, shall continue until the permit terminates on
998 its own terms.

999 (2) (a) To obtain a survey permit, a principal investigator shall:

1000 (i) submit a permit application on a form furnished by the Public Lands Policy
1001 Coordinating Office;

1002 (ii) except as provided in Subsection (2)(b), possess a graduate degree in anthropology,
1003 archaeology, or history;

1004 (iii) have one year of full-time professional experience or equivalent specialized
1005 training in archaeological research, administration, or management; and

1006 (iv) have one year of supervised field and analytical experience in Utah prehistoric or
1007 historic archaeology.

1008 (b) In lieu of the graduate degree required by Subsection (2)(a)(ii), a principal
1009 investigator may submit evidence of training and experience equivalent to a graduate degree.

1010 (c) Unless the permit is revoked or suspended, a survey permit is valid for the time
1011 period specified in the permit by the Public Lands Policy Coordinating Office, which may not
1012 exceed three years.

1013 (3) (a) Except as provided by Subsection (3)(c), to obtain an excavation permit, a
1014 principal investigator shall, in addition to complying with Subsection (2)(a), submit:

1015 (i) a research design to the Public Lands Policy Coordinating Office and the Antiquities
1016 Section that:

1017 (A) states the questions to be addressed;

1018 (B) states the reasons for conducting the work;

1019 (C) defines the methods to be used;

- 1020 (D) describes the analysis to be performed;
- 1021 (E) outlines the expected results and the plan for reporting;
- 1022 (F) evaluates expected contributions of the proposed work to archaeological or
- 1023 anthropological science; and
- 1024 (G) estimates the cost and the time of the work that the principal investigator believes
- 1025 is necessary to provide the maximum amount of historic, scientific, archaeological,
- 1026 anthropological, and educational information; and
- 1027 (i) proof of permission from the landowner to enter the property for the purposes of
- 1028 the permit.
- 1029 (b) An excavation permit is valid for the amount of time specified in the permit, unless
- 1030 the permit is revoked according to Subsection (9).
- 1031 (c) The Public Lands Policy Coordinating Office may delegate to an agency the
- 1032 authority to issue excavation permits if the agency:
- 1033 (i) requests the delegation; and
- 1034 (ii) employs or has a long-term contract with a principal investigator with a valid
- 1035 survey permit.
- 1036 (d) The Public Lands Policy Coordinating Office shall conduct an independent review
- 1037 of the delegation authorized by Subsection (3)(c) every three years and may revoke the
- 1038 delegation at any time without cause.
- 1039 (4) The Public Lands Policy Coordinating Office shall:
- 1040 (a) grant a survey permit to a principal investigator who meets the requirements of this
- 1041 section; and
- 1042 (b) grant an excavation permit to a principal investigator after approving, in
- 1043 consultation with the Antiquities Section, the research design for the project.
- 1044 (5) By following the procedures and requirements of Title 63G, Chapter 3, Utah
- 1045 Administrative Rulemaking Act, the Public Lands Policy Coordinating Office shall, after
- 1046 consulting with the Antiquities Section, make rules to:
- 1047 (a) establish survey methodology;
- 1048 (b) standardize report and data preparation and submission;
- 1049 (c) require other permit application information that the Public Lands Policy
- 1050 Coordinating Office finds necessary, including proof of consultation with the appropriate

- 1051 Native American tribe;
- 1052 (d) establish what training and experience is equivalent to a graduate degree;
- 1053 (e) establish requirements for a person authorized by Subsection (1)(b) to assist the
- 1054 principal investigator;
- 1055 (f) establish requirements for a principal investigator's employer, if applicable; and
- 1056 (g) establish criteria that, if met, would allow the Public Lands Policy Coordinating
- 1057 Office to reinstate a suspended permit.
- 1058 (6) Each principal investigator shall submit a summary report of the work for each
- 1059 project to the Antiquities Section in a form prescribed by a rule established under Subsection
- 1060 (5)(b), which shall include copies of all:
- 1061 (a) site forms;
- 1062 (b) data;
- 1063 (c) maps;
- 1064 (d) drawings;
- 1065 (e) photographs; and
- 1066 (f) descriptions of specimens.
- 1067 (7) (a) Except as provided in Subsection (7)(c), a person may not remove from Utah
- 1068 any specimen, site, or portion of any site from lands owned or controlled by the state or its
- 1069 political subdivisions, other than school and institutional trust lands, without permission from
- 1070 the Antiquities Section, and prior consultation with the landowner and any other agencies
- 1071 managing other interests in the land.
- 1072 (b) Except as provided in Subsection (7)(c), a person may not remove from Utah any
- 1073 specimen, site, or portion of any site from school and institutional trust lands without
- 1074 permission from the School and Institutional Trust Lands Administration, granted after
- 1075 consultation with the Antiquities Section.
- 1076 (c) If a specimen, site, or portion of a site is placed in a repository or curation facility, a
- 1077 person may remove it by following the procedures established by the repository or curation
- 1078 facility.
- 1079 (8) (a) Collections recovered from school and institutional trust lands are owned by the
- 1080 respective trust.
- 1081 (b) Collections recovered from lands owned or controlled by the state or its

1082 subdivisions, other than school and institutional trust lands, are owned by the state.

1083 (c) Within a reasonable time after the completion of fieldwork, each permit holder
1084 shall deposit all collections at the museum, a curation facility, or a repository.

1085 (d) The repository or curation facility for collections from lands owned or controlled by
1086 the state or its subdivisions shall be designated according to the rules made under the authority
1087 of Section [53B-17-603](#).

1088 (9) (a) Upon complaint by an agency, the Public Lands Policy Coordinating Office
1089 shall investigate a principal investigator and the work conducted under a permit.

1090 (b) By following the procedures and requirements of Title 63G, Chapter 4,
1091 Administrative Procedures Act, the Public Lands Policy Coordinating Office may revoke or
1092 suspend a permit if the principal investigator fails to conduct a survey or excavation according
1093 to law, the rules enacted by the Public Lands Policy Coordinating Office, or permit provisions.

1094 (10) (a) Any person violating this section is guilty of a class B misdemeanor.

1095 (b) A person convicted of violating this section, or found to have violated the rules
1096 authorized by this section, shall, in addition to any other penalties imposed, forfeit all
1097 archaeological resources discovered by or through the person's efforts to the state or the
1098 respective trust.

1099 (11) The ~~[division]~~ office may enter into memoranda of agreement to issue project
1100 numbers or to retain other data for federal lands or Native American lands within the state.

1101 Section 33. Section **9-8a-306**, which is renumbered from Section 9-8-306 is
1102 renumbered and amended to read:

1103 ~~[9-8-306]~~. **9-8a-306. Archaeological or anthropological landmarks.**

1104 (1) Sites of significance may be recommended to and approved by the board as state
1105 archaeological or anthropological landmarks. No privately owned site or site on school or
1106 institutional trust lands may be so designated without the written consent of the owner.

1107 (2) A person may not excavate upon a privately owned designated landmark without a
1108 permit from the ~~[division]~~ office.

1109 (3) Before any alteration is commenced on a designated landmark, three months' notice
1110 of intent to alter the site shall be ~~[given the division]~~ provided to the office.

1111 Section 34. Section **9-8a-307**, which is renumbered from Section 9-8-307 is
1112 renumbered and amended to read:

1113 ~~[9-8-307]~~. **9-8a-307. Report of discovery on state or private lands.**

1114 (1) Any person who discovers any archaeological resources on lands owned or
1115 controlled by the state or its subdivisions shall promptly report the discovery to the [~~division~~]
1116 office.

1117 (2) Any person who discovers any archaeological resources on privately owned lands
1118 shall promptly report the discovery to the [~~division~~] office.

1119 (3) Field investigations shall be discouraged except in accordance with this part and
1120 Part 4, Historic Sites.

1121 (4) Nothing in this section may be construed to authorize any person to survey or
1122 excavate for archaeological resources.

1123 Section 35. Section **9-8a-308**, which is renumbered from Section 9-8-308 is
1124 renumbered and amended to read:

1125 ~~[9-8-308]~~. **9-8a-308. Forgery or false labeling of specimens unlawful.**

1126 It is unlawful to reproduce, rework, or forge any specimen or make any object, whether
1127 copied or not, or falsely label, describe, identify, or offer for sale or exchange any object, with
1128 intent to represent it as an original and genuine specimen. No person may offer for sale or
1129 other exchange any object with knowledge that it was collected or excavated in violation of this
1130 part.

1131 Section 36. Section **9-8a-309**, which is renumbered from Section 9-8-309 is
1132 renumbered and amended to read:

1133 ~~[9-8-309]~~. **9-8a-309. Ancient human remains on nonfederal lands that are not**
1134 **state lands.**

1135 (1) [~~(a) After April 30, 2007, if~~] If a person knows or has reason to know that the
1136 person discovered ancient human remains on nonfederal land that is not state land:

1137 [~~(i)~~] (a) the person shall:

1138 [~~(A)~~] (i) cease activity in the area of the discovery until activity may be resumed in
1139 accordance with Subsection [~~(1)(d)~~] (1)(e);

1140 [~~(B)~~] (ii) notify a local law enforcement agency in accordance with Section [76-9-704](#);
1141 and

1142 [~~(C)~~] (iii) notify the person who owns or controls the nonfederal land, if that person is
1143 different than the person who discovers the ancient human remains; and

1144 ~~[(f)]~~ (b) the person who owns or controls the nonfederal land shall:

1145 ~~[(A)]~~ (i) require that activity in the area of the discovery cease until activity may be

1146 resumed in accordance with Subsection ~~[(f)](d)~~ (1)(e); and

1147 ~~[(B)]~~ (ii) make a reasonable effort to protect the discovered ancient human remains

1148 before activity may be resumed in accordance with Subsection ~~[(f)](d)~~ (1)(e).

1149 ~~[(b)]~~ (c) (i) If the local law enforcement agency believes after being notified under this

1150 Subsection (1) that a person may have discovered ancient human remains, the local law

1151 enforcement agency shall contact the Antiquities Section.

1152 (ii) The Antiquities Section shall:

1153 (A) within two business days of the day on which the Antiquities Section is notified by

1154 local law enforcement, notify the landowner that the Antiquities Section may excavate and

1155 retrieve the human remains with the landowner's permission; and

1156 (B) if the landowner gives the landowner's permission, excavate the human remains by

1157 no later than:

1158 (I) five business days from the day on which the Antiquities Section obtains the

1159 permission of the landowner under this Subsection (1); or

1160 (II) if extraordinary circumstances exist as provided in Subsection ~~[(f)](e)~~ (1)(d),

1161 within the time period designated by the director not to exceed 30 days from the day on which

1162 the Antiquities Section obtains the permission of the landowner under this Subsection (1).

1163 ~~[(e)]~~ (d) (i) The director may grant the Antiquities Section an extension of time for

1164 excavation and retrieval of ancient human remains not to exceed 30 days from the day on

1165 which the Antiquities Section obtains the permission of the landowner under this Subsection

1166 (1), if the director determines that extraordinary circumstances exist on the basis of objective

1167 criteria such as:

1168 (A) the unusual scope of the ancient human remains;

1169 (B) the complexity or difficulty of excavation or retrieval of the ancient human

1170 remains; or

1171 (C) the landowner's concerns related to the excavation or retrieval of the ancient human

1172 remains.

1173 (ii) If the landowner objects to the time period designated by the director, the

1174 landowner may appeal the decision to the executive director of the department in writing.

1175 (iii) If the executive director receives an appeal from the landowner under this
1176 Subsection ~~[(1)(c)]~~ (1)(d), the executive director shall:

1177 (A) decide on the appeal within two business days; and
1178 (B) (I) uphold the decision of the director; or
1179 (II) designate a shorter time period than the director designated for the excavation and
1180 retrieval of the ancient human remains.

1181 (iv) An appeal under this Subsection ~~[(1)(c)]~~ (1)(d) may not be the cause for the delay
1182 of the excavation and retrieval of the ancient human remains.

1183 (v) A decision and appeal under this Subsection ~~[(1)(c)]~~ (1)(d) is exempt from Title
1184 63G, Chapter 4, Administrative Procedures Act.

1185 ~~[(d)]~~ (e) A person that owns or controls nonfederal land that is not state land may
1186 engage in or permit others to engage in activities in the area of the discovery without violating
1187 this part or Section 76-9-704 if once notified of the discovery of ancient human remains on the
1188 nonfederal land, the person:

1189 (i) consents to the Antiquities Section excavating and retrieving the ancient human
1190 remains; and
1191 (ii) engages in or permits others to engage in activities in the area of the discovery only
1192 after:

1193 (A) the day on which the Antiquities Section removes the ancient human remains from
1194 the nonfederal land; or
1195 (B) the time period described in Subsection ~~[(1)(b)(ii)(B)]~~ (1)(c)(ii)(B).

1196 (2) A person that owns or controls nonfederal land that is not state land may not be
1197 required to pay any costs incurred by the state associated with the ancient human remains,
1198 including costs associated with the costs of the:

1199 (a) discovery of ancient human remains;
1200 (b) excavation or retrieval of ancient human remains; or
1201 (c) determination of ownership or disposition of ancient human remains.

1202 (3) For nonfederal land that is not state land, nothing in this section limits or prohibits
1203 the Antiquities Section and a person who owns or controls the nonfederal land from entering
1204 into an agreement addressing the ancient human remains that allows for different terms than
1205 those provided in this section.

1206 (4) The ownership and control of ancient human remains that are the ancient human
1207 remains of a Native American shall be determined in accordance with Chapter 9, Part 4, Native
1208 American Grave Protection and Repatriation Act:

1209 (a) if the ancient human remains are in possession of the state;

1210 (b) if the ancient human remains are not known to have been discovered on lands
1211 owned, controlled, or held in trust by the federal government; and

1212 (c) regardless of when the ancient human remains are discovered.

1213 (5) This section:

1214 (a) does not apply to ancient human remains that are subject to the provisions and
1215 procedures of:

1216 (i) federal law; or

1217 (ii) Part 4, Historic Sites; and

1218 (b) does not modify any property rights of a person that owns or controls nonfederal
1219 land except as to the ownership of the ancient human remains.

1220 (6) The ~~[division]~~ office, Antiquities Section, or Division of Indian Affairs may not
1221 make rules that impose any requirement on a person who discovers ancient human remains or
1222 who owns or controls nonfederal land that is not state land on which ancient human remains
1223 are discovered that is not expressly provided for in this section.

1224 Section 37. Section **9-8a-401**, which is renumbered from Section 9-8-401 is
1225 renumbered and amended to read:

1226 **Part 4. Historic Sites**

1227 ~~[9-8-401]~~. **9-8a-401. Purpose.**

1228 The Legislature determines and declares that the public has a vital interest in all
1229 antiquities, historic and prehistoric ruins, and historic sites, buildings, and objects which, when
1230 neglected, desecrated, destroyed or diminished in aesthetic value, result in an irreplaceable loss
1231 to the people of this state.

1232 Section 38. Section **9-8a-402**, which is renumbered from Section 9-8-402 is
1233 renumbered and amended to read:

1234 ~~[9-8-402]~~. **9-8a-402. Definitions -- Office duties.**

1235 (1) In addition to the definitions described in Section ~~[9-8-302]~~ 9-8a-302, as used in
1236 this part:

1237 (a) "Effect" means an alteration to one or more characteristics of a historic property
1238 that qualify the historic property for inclusion in, or that make the historic property eligible for
1239 inclusion in, the National Register of Historic Places.

1240 (b) "Historic property" means any historic or prehistoric district, site, building,
1241 structure, or object that is at least 50 years old and that is included in, or that is eligible for
1242 inclusion in, the National Register of Historic Places.

1243 (c) "State register" means a register of cultural sites and localities, historic and
1244 prehistoric sites, and districts, buildings, and objects significant in Utah history.

1245 (d) "Undertaking" means a project, activity, or program funded in whole or in part
1246 under the direct or indirect jurisdiction of a state agency, including a project, activity, or
1247 program:

1248 (i) carried out by or on behalf of a state agency;

1249 (ii) carried out with financial assistance from the state; or

1250 (iii) that requires a state permit, license, or approval.

1251 (2) The ~~[division]~~ office shall:

1252 (a) constitute the historic preservation agency for this state;

1253 (b) establish a state register for the orderly identification and recognition of the state's
1254 cultural resources; and

1255 (c) provide for participation in the National Historic Preservation Program.

1256 Section 39. Section ~~9-8a-403~~, which is renumbered from Section 9-8-403 is
1257 renumbered and amended to read:

1258 ~~[9-8-403]~~. **9-8a-403. Placement on State or National Register.**

1259 The board shall notify owners of sites, buildings, structures, or objects before placing
1260 those sites, buildings, structures, or objects on the State Register or nominating them to the
1261 National Register.

1262 Section 40. Section ~~9-8a-404~~, which is renumbered from Section 9-8-404 is
1263 renumbered and amended to read:

1264 ~~[9-8-404]~~. **9-8a-404. Agency responsibilities -- State historic preservation**
1265 **officer to comment on undertaking -- Public Lands Policy Coordinating Office may**
1266 **require joint analysis.**

1267 (1) (a) Before approving any undertaking, an agency shall:

1268 (i) take into account the effect of the undertaking on any historic property; and
1269 (ii) provide the state historic preservation officer with a written evaluation of the
1270 undertaking's effect on any historic property.

1271 (b) The state historic preservation officer shall provide to the agency a written
1272 comment on the agency's determination of effect within 30 days after the day on which the state
1273 historic preservation officer receives a written evaluation described in Subsection (1)(a)(ii).

1274 (c) If the written evaluation described in Subsection (1)(a)(ii) demonstrates that there is
1275 an adverse effect to a historic property, the agency shall enter into a formal written agreement
1276 with the state historic preservation officer describing how each adverse effect will be mitigated
1277 before the agency may expend state funds or provide financial assistance for the undertaking.

1278 (d) The state historic preservation officer shall make available to the Public Lands
1279 Policy Coordinating Office a list of undertakings on which an agency or federal agency has
1280 requested the state historic preservation officer's or the Antiquities Section's advice or
1281 consultation.

1282 (e) The Public Lands Policy Coordinating Office may request the joint analysis
1283 described in Subsections (2)(c) and (d) of any proposed undertaking on which the state historic
1284 preservation officer or Antiquities Section is providing advice or consultation.

1285 (2) (a) If the state historic preservation officer does not concur with the agency's
1286 written evaluation required by Subsection (1)(a)(ii), the state historic preservation officer shall
1287 inform the Public Lands Policy Coordinating Office of any objections.

1288 (b) The Public Lands Policy Coordinating Office shall review the state historic
1289 preservation officer's objections and determine whether or not to initiate the joint analysis
1290 established in Subsections (2)(c) and (d) within 30 days after the day on which the state historic
1291 preservation officer informs the Public Lands Policy Coordinating Office of the objections.

1292 (c) If the Public Lands Policy Coordinating Office determines further analysis is
1293 necessary, the Public Lands Policy Coordinating Office shall, jointly with the agency and the
1294 state historic preservation officer, analyze:

- 1295 (i) the cost of the undertaking, excluding costs attributable to the identification,
1296 potential recovery, or excavation of historic properties;
- 1297 (ii) the ownership of the land involved;
- 1298 (iii) the likelihood of the presence and the nature and type of historical properties that

1299 may be affected by the expenditure or undertaking; and

1300 (iv) clear and distinct alternatives for the identification, recovery, or excavation of
1301 historic properties, including ways to maximize the amount of information recovered and
1302 report that information at current standards of scientific rigor.

1303 (d) The Public Lands Policy Coordinating Office, the agency, and the state historic
1304 preservation officer shall also consider as part of the joint analysis:

1305 (i) the estimated costs of the alternatives in Subsection (2)(c)(iv) in total and as a
1306 percentage of the total cost of the undertaking; and

1307 (ii) at least one plan for the identification, recovery, or excavation of historic properties
1308 that does not substantially increase the cost of the proposed undertaking.

1309 (3) (a) (i) If the state historic preservation officer concurs with the agency's evaluation
1310 or if the Public Lands Policy Coordinating Office determines that the joint analysis is
1311 unnecessary, the state historic preservation officer shall, no later than 30 calendar days after
1312 receiving the agency's evaluation, provide formal comments on the agency's evaluation.

1313 (ii) If a joint analysis is conducted, the state historic preservation officer shall provide
1314 formal comments on the agency's evaluation no later than 30 calendar days after the conclusion
1315 of the joint analysis.

1316 (b) The state historic preservation officer shall ensure that the comments include the
1317 results of any joint analysis conducted under Subsection (2).

1318 (c) If a joint analysis is not conducted, the state historic preservation officer's
1319 comments may include advice about ways to maximize the amount of historic, scientific,
1320 archaeological, anthropological, and educational information recovered, in addition to the
1321 physical recovery of artifacts and the reporting of archaeological information at current
1322 standards of scientific rigor.

1323 Section 41. Section ~~9-8a-405~~, which is renumbered from Section 9-8-405 is
1324 renumbered and amended to read:

1325 ~~[9-8-405]~~. 9-8a-405. **Federal funds -- Agreements on standards and**
1326 **procedures.**

1327 By following the procedures and requirements of Title 63J, Chapter 5, Federal Funds
1328 Procedures Act, the ~~[division]~~ office may accept and administer federal funds provided under
1329 the provisions of the National Historic Preservation Act of 1966, the Land and Water

1330 Conservation Act as amended, and subsequent legislation directed toward the encouragement
1331 of historic preservation, and to enter into those agreements on professional standards and
1332 procedures required by participation in the National Historic Preservation Act of 1966 and the
1333 National Register Office.

1334 Section 42. Section **9-8a-502**, which is renumbered from Section 9-8-502 is
1335 renumbered and amended to read:

1336 **Part 5. Historical Preservation Act**

1337 **~~[9-8-502]~~. 9-8a-502. Legislative finding.**

1338 The Legislature finds and declares that preservation and restoration of historically
1339 significant real property and structures as identified by the State Register of Historic Sites are
1340 in the public interest of the people of the state of Utah and should be promoted by the laws of
1341 this state.

1342 Section 43. Section **9-8a-503**, which is renumbered from Section 9-8-503 is
1343 renumbered and amended to read:

1344 **~~[9-8-503]~~. 9-8a-503. Preservation easement.**

1345 Any owner of a fee simple interest in real property may convey, and any other party
1346 entitled to own real property interests may accept, a preservation easement pertaining to the
1347 real property if the real property possesses historical value that will be enhanced or preserved
1348 by the terms of the easement regarding restoration or preservation of the real property.

1349 Section 44. Section **9-8a-504**, which is renumbered from Section 9-8-504 is
1350 renumbered and amended to read:

1351 **~~[9-8-504]~~. 9-8a-504. Preservation easement -- Subject to other laws.**

1352 Except as provided in this part, preservation easements are subject to the other laws of
1353 this state governing easements, generally. Any preservation easement may, with respect to the
1354 burdened land, entitle its owner to take certain action, to require certain action to be taken by
1355 the owner of the burdened land, or require that certain action not be taken by the owner of the
1356 burdened land, and under any such circumstances may be either appurtenant or in gross.

1357 Section 45. Section **9-8a-505**, which is renumbered from Section 9-8-505 is
1358 renumbered and amended to read:

1359 **~~[9-8-505]~~. 9-8a-505. Rule Against Perpetuities and Rule Restricting
1360 Unreasonable Restraints on Alienation not applicable.**

1361 The rule of property known as the Rule Against Perpetuities and the rule of property
1362 known as the Rule Restricting Unreasonable Restraints on Alienation may not be applied to
1363 defeat any of the provisions of this part or of any deed, lease, conveyance, covenant, easement,
1364 or other interest created or document executed in accordance with the provisions of this part.

1365 Section 46. Section **9-8a-506**, which is renumbered from Section 9-8-506 is
1366 renumbered and amended to read:

1367 **[9-8-506]. 9-8a-506. Charitable contribution for tax purposes.**

1368 Any conveyance of a preservation easement may be deemed a charitable contribution
1369 for tax purposes in accordance with the laws, rules, and regulations pertaining to charitable
1370 contributions of interests in real property.

1371 Section 47. Section **9-9-402** is amended to read:

1372 **9-9-402. Definitions.**

1373 As used in this part:

1374 (1) "Antiquities Section" means the Antiquities Section of the [~~Division of State~~
1375 History] State Historic Preservation Office.

1376 (2) "Burial site" means a natural or prepared physical location, whether originally
1377 below, on, or above the surface of the earth, into which as a part of the death rite or ceremony
1378 of a culture individual human remains are deposited.

1379 (3) "Cultural affiliation" means that there is a relationship of shared group identity that
1380 can be reasonably traced historically or prehistorically between a present day Indian tribe and
1381 an identifiable earlier group.

1382 (4) "Director" means the director of the Division of Indian Affairs.

1383 (5) "Division" means the Division of Indian Affairs.

1384 (6) "Indian tribe" means a tribe, band, nation, or other organized group or community
1385 of Indians that is recognized as eligible for the special programs and services provided by the
1386 United States to Indians because of their status as Indians.

1387 (7) "Lineal descendant" means the genealogical descendant established by oral or
1388 written record.

1389 (8) "Native American" means of or relating to a tribe, people, or culture that is
1390 indigenous to the United States.

1391 (9) "Native American remains" means remains that are Native American.

1392 (10) (a) "Nonfederal land" means land in the state that is not owned, controlled, or held
1393 in trust by the federal government.

1394 (b) "Nonfederal land" includes:

1395 (i) land owned or controlled by:

1396 (A) the state;

1397 (B) a county, city, or town;

1398 (C) an Indian tribe, if the land is not held in trust by the United States for the Indian
1399 tribe or the Indian tribe's members; or

1400 (D) a person other than the federal government; or

1401 (ii) school and institutional trust lands as defined in Section [53C-1-103](#).

1402 (11) "Partner agency" means an agency of the state or a tribal agency that participates
1403 in the remains repatriation process.

1404 (12) "Remains" means all or part of a physical individual and objects on or attached to
1405 the physical individual that are placed there as part of the death rite or ceremony of a culture.

1406 (13) "Review committee" means the Native American Remains Review Committee
1407 created by Section [9-9-405](#).

1408 (14) (a) "State land" means land owned by the state including the state's:

1409 (i) legislative and judicial branches;

1410 (ii) departments, divisions, agencies, boards, commissions, councils, and committees;

1411 and

1412 (iii) institutions of higher education as defined under Section [53B-3-102](#).

1413 (b) "State land" does not include:

1414 (i) land owned by a political subdivision of the state;

1415 (ii) land owned by a school district;

1416 (iii) private land; or

1417 (iv) school and institutional trust lands as defined in Section [53C-1-103](#).

1418 (15) "Tribal consultation" means the state and the tribes exchanging views and
1419 information, in writing or in person, regarding implementing proposed state action under this
1420 part that has or may have substantial implications for tribes including impacts on:

1421 (a) tribal cultural practices;

1422 (b) tribal lands;

1423 (c) tribal resources;

1424 (d) access to traditional areas of tribal cultural or religious importance; or

1425 (e) the consideration of the state's responsibilities to Indian tribes.

1426 Section 48. Section **9-9-403** is amended to read:

1427 **9-9-403. Ownership and disposition of Native American remains.**

1428 (1) If Native American remains are discovered on nonfederal lands on or after April 30,
1429 2007, the ownership or control of the Native American remains shall be determined in the
1430 following priority:

1431 (a) first, in the lineal descendants of the Native American;

1432 (b) second, if the lineal descendants cannot be ascertained, in the Indian tribe that:

1433 (i) has the closest cultural affiliation with the Native American remains; and

1434 (ii) states a claim for the Native American remains; or

1435 (c) third:

1436 (i) in the Indian tribe that is recognized as aboriginally occupying the area in which the
1437 Native American remains are discovered, if:

1438 (A) cultural affiliation of the Native American remains cannot be reasonably
1439 ascertained;

1440 (B) the land is recognized either by a final judgment of the Indian Claims Commission
1441 or through other evidence as the exclusive or joint aboriginal land of some Indian tribe; and

1442 (C) that tribe states a claim for the Native American remains; or

1443 (ii) in a different tribe if:

1444 (A) it can be shown by a preponderance of the evidence that that different tribe has a
1445 stronger genetic or cultural relationship with the Native American remains; and

1446 (B) that different tribe states a claim for the Native American remains.

1447 (2) Subject to Subsection (7), Native American remains discovered on nonfederal lands
1448 that are not claimed under Subsection (1) shall be disposed of in accordance with rules made
1449 by the division:

1450 (a) consistent with [~~Chapter 8, Part 3, Antiquities~~] Chapter 8a, Part 3, Antiquities; and

1451 (b) in consultation with Native American groups, representatives of repositories, and
1452 the review committee established under Section **9-9-405**.

1453 (3) The intentional removal or excavation of Native American remains from state lands

1454 may be permitted only if:

1455 (a) the Native American remains are excavated or removed pursuant to a permit issued
1456 under Section [~~9-8-305~~] 9-8a-305;

1457 (b) the Native American remains are excavated or removed after consultation with and
1458 written consent of the owner of the state land; and

1459 (c) the ownership or right of control of the disposition of the Native American remains
1460 is determined as provided in Subsections (1) and (2).

1461 (4) (a) A person who knows or has reason to know that the person has discovered
1462 Native American remains on state lands after March 17, 1992, shall notify, in writing, the
1463 appropriate state agency having primary management authority over the lands as provided in
1464 [~~Chapter 8, Part 3, Antiquities~~] Chapter 8a, Part 3, Antiquities.

1465 (b) If the discovery occurs in connection with construction, mining, logging,
1466 agriculture, or a related activity, the person shall:

1467 (i) cease the activity in the area of the discovery;

1468 (ii) make a reasonable effort to protect the Native American remains discovered before
1469 resuming the activity; and

1470 (iii) provide notice of discovery to the appropriate state agency under Subsection
1471 (4)(a).

1472 (c) Following notification under Subsections (4)(a) and (b) and upon certification by
1473 the head of the appropriate state agency that notification is received, the activity may resume
1474 after compliance with Section 76-9-704.

1475 (5) (a) Scientific study of Native American remains may be carried out only with
1476 approval of the owner of the Native American remains as established in Subsections (1) and
1477 (2).

1478 (b) (i) If ownership is unknown, study before identifying ownership is restricted to
1479 those sufficient to identify ownership.

1480 (ii) Study to identify ownership shall be approved only in accordance with rules made
1481 by the division in consultation with the review committee.

1482 (c) The Native American remains may not be retained longer than 90 days after the
1483 date of establishing ownership.

1484 (6) (a) Ownership of Native American remains shall be determined in accordance with

1485 this Subsection (6) if:

1486 (i) there are multiple claims of ownership under Subsection (1) of Native American
1487 remains; and

1488 (ii) the division cannot clearly determine which claimant is the most appropriate
1489 claimant.

1490 (b) If the conditions of Subsection (6)(a) are met, the appropriate state agency having
1491 primary authority over the lands as provided in [~~Chapter 8, Part 3, Antiquities~~] Chapter 8a, Part
1492 3, Antiquities, may retain the remains until:

1493 (i) the multiple claimants for the Native American remains enter into an agreement
1494 concerning the disposition of the Native American remains;

1495 (ii) the dispute is resolved through an administrative process:

1496 (A) established by rules made by the division in accordance with Title 63G, Chapter 3,
1497 Utah Administrative Rulemaking Act; and

1498 (B) that is exempt from Title 63G, Chapter 4, Administrative Procedures Act; or

1499 (iii) after the administrative process described in Subsection (6)(b)(ii) is complete, the
1500 dispute is resolved by a court of competent jurisdiction.

1501 (7) The division may not make rules that impose any requirement on a person who
1502 discovers Native American remains or owns or controls nonfederal land that is not state land
1503 on which Native American remains are discovered that is not expressly provided for in Section
1504 [~~9-8-309~~] 9-8a-309.

1505 (8) For purposes of this part, if Native American remains are discovered on nonfederal
1506 land that is not state land, the Antiquities Section is considered the state agency having primary
1507 authority over the nonfederal land.

1508 (9) This part does not modify any property rights of a person that owns or controls
1509 nonfederal land except as to the ownership of Native American remains.

1510 Section 49. Section **9-9-405** is amended to read:

1511 **9-9-405. Review committee.**

1512 (1) There is created a Native American Remains Review Committee.

1513 (2) (a) The review committee shall be composed of seven members as follows:

1514 (i) four Tribal members shall be appointed by the director from nominations submitted
1515 by the elected officials of Indian Tribal Nations described in Subsection 9-9-104.5(2)(b); and

1516 (ii) three shall be appointed by the director from nominations submitted by
1517 representatives of Utah's repositories.

1518 (b) A member appointed under Subsection (2)(a)(i) shall have familiarity and
1519 experience with this part.

1520 (c) (i) A member appointed under Subsection (2)(a)(i) serves at the will of the director,
1521 and if the member represents an Indian Tribal Nation, at the will of that Indian Tribal Nation.
1522 Removal of a member who represents an Indian Tribal Nation requires the joint decision of the
1523 director and the Indian Tribal Nation.

1524 (ii) A member appointed under Subsection (2)(a)(ii) serves at the will of the director,
1525 and if the member represents a repository, at the will of the Division of State History. Removal
1526 of a member who represents a repository requires the joint decision of the director and the
1527 Division of State History.

1528 (d) When a vacancy occurs in the membership for any reason, the director shall appoint
1529 a replacement in the same manner as the original appointment under Subsection (2)(a).

1530 (e) A member may not receive compensation or benefits for the member's service, but
1531 may receive per diem and travel expenses in accordance with:

1532 (i) Section [63A-3-106](#);

1533 (ii) Section [63A-3-107](#); and

1534 (iii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
1535 [63A-3-107](#).

1536 (f) The review committee shall designate one of its members as chair.

1537 (3) The review committee shall:

1538 (a) monitor the identification process conducted under Section [9-9-403](#) to ensure a fair
1539 and objective consideration and assessment of all available relevant information and evidence;

1540 (b) review a finding relating to the following, subject to the rules made by the division
1541 under Subsection [9-9-403](#)(6):

1542 (i) the identity or cultural affiliation of Native American remains; or

1543 (ii) the return of Native American remains;

1544 (c) facilitate the resolution of a dispute among Indian Tribal Nations or lineal
1545 descendants and state agencies relating to the return of Native American remains, including
1546 convening the parties to the dispute if considered desirable;

1547 (d) consult with Indian Tribal Nations on matters within the scope of the work of the
1548 review committee affecting these Indian Tribal Nations;

1549 (e) consult with the division in the development of rules to carry out this part;

1550 (f) perform other related functions as the division may assign to the review committee;

1551 and

1552 (g) make recommendations, if appropriate, regarding care of Native American remains
1553 that are to be repatriated.

1554 (4) A record or finding made by the review committee relating to the identity of or
1555 cultural affiliation of Native American remains and the return of Native American remains may
1556 be admissible in any action brought under this part.

1557 (5) The appropriate state agency having primary authority over the lands as provided in
1558 [~~Chapter 8, Part 3, Antiquities~~] Chapter 8a, Part 3, Antiquities, shall ensure that the review
1559 committee has reasonable access to:

1560 (a) Native American remains under review; and

1561 (b) associated scientific and historical documents.

1562 (6) The division shall provide reasonable administrative and staff support necessary for
1563 the deliberations of the review committee.

1564 (7) The department shall include in the annual written report described in Section
1565 [9-1-208](#):

1566 (a) a description of the progress made, and any barriers encountered, by the review
1567 committee in implementing this section during the previous year; and

1568 (b) a review of the expenditures made from the Native American Repatriation
1569 Restricted Account.

1570 Section 50. Section **9-9-407** is amended to read:

1571 **9-9-407. Native American Repatriation Restricted Account.**

1572 (1) There is created a restricted account within the General Fund known as the "Native
1573 American Repatriation Restricted Account."

1574 (2) (a) The Native American Repatriation Restricted Account shall consist of
1575 appropriations from the Legislature.

1576 (b) All interest earned on Native American Repatriation Restricted Account money
1577 shall be deposited into the Native American Repatriation Restricted Account.

1578 (3) Subject to appropriation from the Legislature, the division may use the money in
1579 the Native American Repatriation Restricted Account as follows:

1580 (a) for a grant issued in accordance with Subsection (6) to an Indian Tribe to pay the
1581 following costs of reburial of Native American remains:

1582 (i) use of equipment;

1583 (ii) labor for use of the equipment;

1584 (iii) reseeding and vegetation efforts;

1585 (iv) compliance with Section ~~[9-8-404]~~ [9-8a-404](#); and

1586 (v) caskets;

1587 (b) for tribal consultation, including:

1588 (i) consultation time, drafting reports, taking detailed notes, communicating to the
1589 stakeholders, facilitating discussions, and traveling to individual tribal locations;

1590 (ii) travel costs, including per diem and lodging costs, for:

1591 (A) Utah tribal leaders and tribal cultural resource managers; and

1592 (B) regional partner tribes;

1593 (iii) meeting facilities for the division to host tribal consultations when the division
1594 determines that a state facility does not meet tribal consultation needs; and

1595 (iv) costs for holding meetings under Subsection (3)(b)(iii); and

1596 (c) for training tribal representatives, councils, and staff of a partner agency with
1597 repatriation responsibilities in the processes under Section ~~[9-8-404]~~ [9-8a-404](#) and rules made
1598 by the ~~[Division of State History]~~ State Historic Preservation Office in accordance with Title
1599 63G, Chapter 3, Utah Administrative Rulemaking Act, including costs for:

1600 (i) lodging and transportation of employees of the department or a partner agency; or

1601 (ii) travel grants issued in accordance with Subsection (6) for tribal representatives.

1602 (4) If the balance in the Native American Repatriation Restricted Account exceeds
1603 \$100,000 at the close of any fiscal year, the excess shall be transferred into the General Fund.

1604 (5) In accordance with Section [63J-1-602.1](#), appropriations from the account are
1605 nonlapsing.

1606 (6) To issue a grant under this section, the division shall:

1607 (a) require that an Indian Tribe request the grant in writing and specify how the grant
1608 money will be expended; and

1609 (b) enter into an agreement with the Indian Tribe to ensure that the grant money is
1610 expended in accordance with Subsection (3).

1611 Section 51. Section **9-9-408** is amended to read:

1612 **9-9-408. Burial of ancient Native American remains in state parks.**

1613 (1) As used in this section:

1614 (a) "Ancient Native American remains" means ancient human remains, as defined in
1615 Section [~~9-8-302~~] 9-8a-302, that are Native American remains, as defined in Section **9-9-402**.

1616 (b) "Antiquities Section" means the Antiquities Section of the [~~Division of State~~
1617 ~~History~~] State Historic Preservation Office created in Section [~~9-8-304~~] 9-8a-304.

1618 (2) (a) The division, the Antiquities Section, and the Division of State Parks shall
1619 cooperate in a study of the feasibility of burying ancient Native American remains in state
1620 parks.

1621 (b) The study shall include:

1622 (i) the process and criteria for determining which state parks would have land sufficient
1623 and appropriate to reserve a portion of the land for the burial of ancient Native American
1624 remains;

1625 (ii) the process for burying the ancient Native American remains on the lands within
1626 state parks, including the responsibilities of state agencies and the assurance of cultural
1627 sensitivity;

1628 (iii) how to keep a record of the locations in which specific ancient Native American
1629 remains are buried;

1630 (iv) how to account for the costs of:

1631 (A) burying the ancient Native American remains on lands found within state parks;
1632 and

1633 (B) securing and maintaining burial sites in state parks; and

1634 (v) any issues related to burying ancient Native American remains in state parks.

1635 Section 52. Section **9-21-301** is amended to read:

1636 **9-21-301. Creation of commission -- Membership -- Rulemaking.**

1637 (1) There is created within the division the Utah Multicultural Commission.

1638 (2) The commission shall consist of the following 13 members, appointed by the
1639 governor:

1640 ~~[(a) the lieutenant governor, who shall serve as chair of the commission; and]~~
 1641 ~~[(b) at least 14 additional members appointed by the governor to two-year terms.]~~
 1642 (a) one individual who advises the governor on education issues;
 1643 (b) one individual who advises the governor on homelessness issues;
 1644 (c) one individual who advises the governor on legislative policy;
 1645 (d) one individual who advises the governor on criminal and juvenile justice issues;
 1646 (e) one individual who advises the governor on issues concerning families and
 1647 children; and
 1648 (f) eight individuals who represent Utah's multicultural communities.
 1649 (3) (a) A member of the commission:
 1650 (i) shall serve for a term of two years; and
 1651 (ii) may not serve more than two terms.
 1652 (b) Notwithstanding ~~[the requirements of]~~ Subsection ~~[(2)(b)]~~ (3)(a)(i), the governor
 1653 shall at the time of appointment adjust the length of terms to ensure that the terms of
 1654 commission members are staggered so that approximately half of the commission is appointed
 1655 every two years.
 1656 (c) When a vacancy occurs in the membership, the governor shall appoint a
 1657 replacement for the unexpired term.
 1658 ~~[(4) The commission shall meet at least six times per year.]~~
 1659 ~~[(5)]~~ (4) A majority of the members of the commission constitutes a quorum of the
 1660 commission at any meeting, and the action of the majority of members present is the action of
 1661 the commission.
 1662 ~~[(6) A member appointed by the governor may be reappointed for one or more~~
 1663 ~~additional terms.]~~
 1664 ~~[(7) When a vacancy occurs in the membership, the governor shall appoint a~~
 1665 ~~replacement for the unexpired term.]~~
 1666 ~~[(8)]~~ (5) A member may not receive compensation or benefits for the member's service,
 1667 but may receive per diem and travel expenses in accordance with:
 1668 (a) Sections [63A-3-106](#) and [63A-3-107](#); and
 1669 (b) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
 1670 [63A-3-107](#).

1671 ~~[(9)]~~ (6) The department shall make rules establishing the membership, duties, and
 1672 procedures of the commission in accordance with the requirements of:

1673 (a) this chapter; and

1674 (b) Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1675 ~~[(10)]~~ (7) The department shall provide administrative support to the commission.

1676 Section 53. Section **9-21-302** is amended to read:

1677 **9-21-302. Commission duties.**

1678 (1) The commission shall:

1679 ~~[(1)]~~ (a) cooperate with the division and state agencies to ensure [access to culturally
 1680 competent programs and services that meet the needs of the state's multicultural communities;]

1681 the state's resources, services, and programs:

1682 (i) advance the interests of the state's multicultural communities;

1683 (ii) are properly communicated and delivered to the state's multicultural communities;

1684 and

1685 (iii) promote a climate of inclusion in the state;

1686 (b) develop and submit to the lieutenant governor an annual report that includes:

1687 (i) a description of the needs, goals, and deliverables that will directly impact the most
 1688 significant and urgent needs of the state's multicultural communities; and

1689 (ii) recommendations on how the state should act to address the needs, goals, and
 1690 deliverables described in Subsection (1)(b)(i); and

1691 (c) convene an annual meeting to discuss issues affecting the state's multicultural
 1692 communities in coordination with the governor, lieutenant governor, and relevant stakeholders.

1693 ~~[(2)]~~ make recommendations to the director regarding policies, practices, and
 1694 procedures to ensure the proper delivery of state resources, services, and programs to the state's
 1695 multicultural communities;]

1696 ~~[(3)]~~ cooperate with the division and state agencies to ensure proper outreach to the
 1697 state's multicultural communities regarding state resources, services, and programs; and]

1698 ~~[(4)]~~ develop a strategic plan to identify needs, goals, and deliverables that will directly
 1699 impact the most significant and urgent needs of the state's multicultural communities.]

1700 (2) In carrying out the duties described in Subsection (1), the commission shall:

1701 (a) consult with the lieutenant governor; and

- 1702 (b) prioritize programs and efforts related to:
- 1703 (i) employment;
- 1704 (ii) education;
- 1705 (iii) housing;
- 1706 (iv) criminal and juvenile justice; or
- 1707 (v) health and mental health, including suicide prevention.

1708 Section 54. Section **9-22-103** is amended to read:

1709 **9-22-103. STEM Action Center Board creation -- Membership.**

1710 (1) There is created the STEM Action Center Board, composed of the following
1711 members:

1712 (a) [~~six~~] seven private sector members who represent business, appointed by the
1713 governor;

1714 (b) the state superintendent of public instruction or the state superintendent's designee;

1715 (c) the commissioner of higher education or the commissioner's designee;

1716 (d) one member appointed by the governor;

1717 (e) a member of the State Board of Education, chosen by the chair of the State Board of
1718 Education;

1719 (f) the executive director of the department or the executive director's designee; and

1720 (g) the executive director of the Department of Workforce Services or the executive
1721 director's designee[~~; and~~].

1722 [~~(h) one member who has a degree in engineering and experience working in a~~
1723 ~~government military installation, appointed by the governor.~~]

1724 (2) (a) The private sector members appointed by the governor in Subsection (1)(a) shall
1725 represent a business or trade association whose primary focus is science, technology, or
1726 engineering.

1727 (b) Except as required by Subsection (2)(c), members appointed by the governor shall
1728 be appointed to four-year terms.

1729 (c) The length of terms of the members shall be staggered so that approximately half of
1730 the committee is appointed every two years.

1731 (d) The members may not serve more than two full consecutive terms except where the
1732 governor determines that an additional term is in the best interest of the state.

1733 (e) When a vacancy occurs in the membership for any reason, the replacement shall be
1734 appointed for the unexpired term.

1735 (3) Attendance of a simple majority of the members constitutes a quorum for the
1736 transaction of official committee business.

1737 (4) Formal action by the STEM board requires a majority vote of a quorum.

1738 (5) A member may not receive compensation or benefits for the member's service, but
1739 may receive per diem and travel expenses in accordance with:

1740 (a) Section [63A-3-106](#);

1741 (b) Section [63A-3-107](#); and

1742 (c) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

1743 (6) The governor shall select the chair of the STEM board to serve a two-year term.

1744 (7) The executive director of the department or the executive director's designee shall
1745 serve as the vice chair of the STEM board.

1746 Section 55. Section **9-23-203**, which is renumbered from Section 63N-10-202 is
1747 renumbered and amended to read:

1748 ~~[63N-10-202]~~. **9-23-203. Commission powers and duties.**

1749 (1) The commission shall:

1750 (a) purchase and use a seal;

1751 (b) adopt rules for the administration of this chapter in accordance with Title 63G,
1752 Chapter 3, Utah Administrative Rulemaking Act;

1753 (c) prepare all forms of contracts between sponsors, licensees, promoters, and
1754 contestants; and

1755 (d) hold hearings relating to matters under its jurisdiction, including violations of this
1756 chapter or rules made under this chapter.

1757 (2) The commission may subpoena witnesses, take evidence, and require the
1758 production of books, papers, documents, records, contracts, recordings, tapes, correspondence,
1759 or other information relevant to an investigation if the commission or its designee considers it
1760 necessary.

1761 Section 56. Section **9-23-304** is amended to read:

1762 **9-23-304. Additional fees for promoter -- Dedicated credits -- Promotion of**
1763 **contests -- Annual exemption of showcase event.**

1764 (1) In addition to the payment of any other fees and money due under this chapter,
1765 ~~[every]~~ a promoter shall pay a license fee and, if applicable, a broadcast revenue fee determined
1766 by the commission and established in rule.

1767 (2) ~~[License fees]~~ Fees collected by the commission under this ~~[Subsection (2) from~~
1768 ~~professional boxing contests or exhibitions]~~ section shall be retained by the commission as a
1769 dedicated credit to be used by the commission to award grants to organizations that promote
1770 amateur boxing in the state and cover commission expenses.

1771 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1772 commission shall adopt rules:

1773 (a) governing the manner in which applications for grants under Subsection (2) may be
1774 submitted to the commission; and

1775 (b) establishing standards for awarding grants under Subsection (2) to organizations
1776 which promote amateur boxing in the state.

1777 (4) (a) For the purpose of creating a greater interest in contests in the state, the
1778 commission may exempt from the payment of license fees under this section one contest or
1779 exhibition in each calendar year, intended as a showcase event.

1780 (b) The commission shall select the contest or exhibition to be exempted based on
1781 factors which include:

- 1782 (i) attraction of the optimum number of spectators;
- 1783 (ii) costs of promoting and producing the contest or exhibition;
- 1784 (iii) ticket pricing;
- 1785 (iv) committed promotions and advertising of the contest or exhibition;
- 1786 (v) rankings and quality of the contestants; and
- 1787 (vi) committed television and other media coverage of the contest or exhibition.

1788 Section 57. Section **9-24-101** is amended to read:

1789 **9-24-101. Definitions.**

1790 As used in this chapter:

1791 ~~[(1) "Advisory committee" means the Utah Main Street Advisory Committee created in~~
1792 ~~Section 9-24-103;]~~

1793 ~~[(2)]~~ (1) "Center" means the National Main Street Center.

1794 ~~[(3)]~~ (2) "Program" means the Utah Main Street Program created in Section 9-24-102.

1795 Section 58. Section **9-24-102** is amended to read:

1796 **9-24-102. Utah Main Street Program.**

1797 (1) The Utah Main Street Program is created within the department to provide
1798 resources for the revitalization of downtown or commercial district areas of municipalities in
1799 the state.

1800 (2) To implement the program, the department may:

1801 (a) become a member of the National Main Street Center and partner with the center to
1802 become the statewide coordinating program for participating municipalities in the state;

1803 (b) establish criteria for the designation of one or more local main street programs
1804 administered by a county or municipality in the state;

1805 ~~[(c) consider the recommendations of the advisory committee in designating and
1806 implementing local main street programs;]~~

1807 ~~[(d)]~~ (c) provide training and technical assistance to local governments, businesses,
1808 property owners, or other organizations that participate in designated local main street
1809 programs;

1810 ~~[(e)]~~ (d) subject to appropriations from the Legislature or other funding, provide
1811 financial assistance to designated local main street programs; and

1812 ~~[(f)]~~ (e) under the direction of the executive director, appoint full-time staff.

1813 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1814 department may make rules establishing the eligibility and reporting criteria for a downtown
1815 area to receive a local main street program designation, including requirements for:

1816 (a) local government support of the local main street program; and

1817 (b) collecting data to measure economic development impact.

1818 (4) The department shall include in the annual written report described in Section
1819 [9-1-208](#), a report of the program's operations and details of which municipalities have received:

1820 (a) a local main street program designation; and

1821 (b) financial support from the program.

1822 Section 59. Section **10-9a-534** is amended to read:

1823 **10-9a-534. Regulation of building design elements prohibited -- Exceptions.**

1824 (1) As used in this section, "building design element" means:

1825 (a) exterior color;

- 1826 (b) type or style of exterior cladding material;
- 1827 (c) style, dimensions, or materials of a roof structure, roof pitch, or porch;
- 1828 (d) exterior nonstructural architectural ornamentation;
- 1829 (e) location, design, placement, or architectural styling of a window or door;
- 1830 (f) location, design, placement, or architectural styling of a garage door, not including a
- 1831 rear-loading garage door;
- 1832 (g) number or type of rooms;
- 1833 (h) interior layout of a room;
- 1834 (i) minimum square footage over 1,000 square feet, not including a garage;
- 1835 (j) rear yard landscaping requirements;
- 1836 (k) minimum building dimensions; or
- 1837 (l) a requirement to install front yard fencing.
- 1838 (2) Except as provided in Subsection (3), a municipality may not impose a requirement
- 1839 for a building design element on a one to two family dwelling.
- 1840 (3) Subsection (2) does not apply to:
- 1841 (a) a dwelling located within an area designated as a historic district in:
- 1842 (i) the National Register of Historic Places;
- 1843 (ii) the state register as defined in Section [~~9-8-402~~] [9-8a-402](#); or
- 1844 (iii) a local historic district or area, or a site designated as a local landmark, created by
- 1845 ordinance before January 1, 2021;
- 1846 (b) an ordinance enacted as a condition for participation in the National Flood
- 1847 Insurance Program administered by the Federal Emergency Management Agency;
- 1848 (c) an ordinance enacted to implement the requirements of the Utah Wildland Urban
- 1849 Interface Code adopted under Section [15A-2-103](#);
- 1850 (d) building design elements agreed to under a development agreement;
- 1851 (e) a dwelling located within an area that:
- 1852 (i) is zoned primarily for residential use; and
- 1853 (ii) was substantially developed before calendar year 1950;
- 1854 (f) an ordinance enacted to implement water efficient landscaping in a rear yard;
- 1855 (g) an ordinance enacted to regulate type of cladding, in response to findings or
- 1856 evidence from the construction industry of:

1857 (i) defects in the material of existing cladding; or
1858 (ii) consistent defects in the installation of existing cladding; or
1859 (h) a land use regulation, including a planned unit development or overlay zone, that a
1860 property owner requests:

1861 (i) the municipality to apply to the owner's property; and
1862 (ii) in exchange for an increase in density or other benefit not otherwise available as a
1863 permitted use in the zoning area or district.

1864 Section 60. Section **15A-2-103** is amended to read:

1865 **15A-2-103. Specific editions adopted of construction code of a nationally**
1866 **recognized code authority.**

1867 (1) Subject to the other provisions of this part, the following construction codes are
1868 incorporated by reference, and together with the amendments specified in Chapter 3, Statewide
1869 Amendments Incorporated as Part of State Construction Code, and Chapter 4, Local
1870 Amendments Incorporated as Part of State Construction Code, are the construction standards to
1871 be applied to building construction, alteration, remodeling, and repair, and in the regulation of
1872 building construction, alteration, remodeling, and repair in the state:

1873 (a) the 2018 edition of the International Building Code, including Appendices C and J,
1874 issued by the International Code Council;

1875 (b) the 2015 edition of the International Residential Code, issued by the International
1876 Code Council;

1877 (c) Appendix Q of the 2018 edition of the International Residential Code, issued by the
1878 International Code Council;

1879 (d) the 2018 edition of the International Plumbing Code, issued by the International
1880 Code Council;

1881 (e) the 2018 edition of the International Mechanical Code, issued by the International
1882 Code Council;

1883 (f) the 2018 edition of the International Fuel Gas Code, issued by the International
1884 Code Council;

1885 (g) the 2020 edition of the National Electrical Code, issued by the National Fire
1886 Protection Association;

1887 (h) the residential provisions of the 2015 edition of the International Energy

1888 Conservation Code, issued by the International Code Council;

1889 (i) the commercial provisions of the 2018 edition of the International Energy

1890 Conservation Code, issued by the International Code Council;

1891 (j) the 2018 edition of the International Existing Building Code, issued by the

1892 International Code Council;

1893 (k) subject to Subsection [15A-2-104\(2\)](#), the HUD Code;

1894 (l) subject to Subsection [15A-2-104\(1\)](#), Appendix E of the 2015 edition of the

1895 International Residential Code, issued by the International Code Council;

1896 (m) subject to Subsection [15A-2-104\(1\)](#), the 2005 edition of the NFPA 225 Model

1897 Manufactured Home Installation Standard, issued by the National Fire Protection Association;

1898 (n) subject to Subsection (3), for standards and guidelines pertaining to plaster on a

1899 historic property, as defined in Section [~~9-8-302~~] [9-8a-302](#), the U.S. Department of the Interior

1900 Secretary's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings;

1901 and

1902 (o) the residential provisions of the 2018 edition of the International Swimming Pool

1903 and Spa Code, issued by the International Code Council.

1904 (2) Consistent with Title 65A, Chapter 8, Management of Forest Lands and Fire

1905 Control, the Legislature adopts the 2006 edition of the Utah Wildland Urban Interface Code,

1906 issued by the International Code Council, with the alternatives or amendments approved by the

1907 Utah Division of Forestry, as a construction code that may be adopted by a local compliance

1908 agency by local ordinance or other similar action as a local amendment to the codes listed in

1909 this section.

1910 (3) The standards and guidelines described in Subsection (1)(n) apply only if:

1911 (a) the owner of the historic property receives a government tax subsidy based on the

1912 property's status as a historic property;

1913 (b) the historic property is wholly or partially funded by public money; or

1914 (c) the historic property is owned by a government entity.

1915 Section 61. Section **17-27a-530** is amended to read:

1916 **17-27a-530. Regulation of building design elements prohibited -- Exceptions.**

1917 (1) As used in this section, "building design element" means:

1918 (a) exterior color;

- 1919 (b) type or style of exterior cladding material;
- 1920 (c) style, dimensions, or materials of a roof structure, roof pitch, or porch;
- 1921 (d) exterior nonstructural architectural ornamentation;
- 1922 (e) location, design, placement, or architectural styling of a window or door;
- 1923 (f) location, design, placement, or architectural styling of a garage door, not including a
- 1924 rear-loading garage door;
- 1925 (g) number or type of rooms;
- 1926 (h) interior layout of a room;
- 1927 (i) minimum square footage over 1,000 square feet, not including a garage;
- 1928 (j) rear yard landscaping requirements;
- 1929 (k) minimum building dimensions; or
- 1930 (l) a requirement to install front yard fencing.
- 1931 (2) Except as provided in Subsection (3), a county may not impose a requirement for a
- 1932 building design element on a one to two family dwelling.
- 1933 (3) Subsection (2) does not apply to:
- 1934 (a) a dwelling located within an area designated as a historic district in:
- 1935 (i) the National Register of Historic Places;
- 1936 (ii) the state register as defined in Section [~~9-8-402~~] [9-8a-402](#); or
- 1937 (iii) a local historic district or area, or a site designated as a local landmark, created by
- 1938 ordinance before January 1, 2021;
- 1939 (b) an ordinance enacted as a condition for participation in the National Flood
- 1940 Insurance Program administered by the Federal Emergency Management Agency;
- 1941 (c) an ordinance enacted to implement the requirements of the Utah Wildland Urban
- 1942 Interface Code adopted under Section [15A-2-103](#);
- 1943 (d) building design elements agreed to under a development agreement;
- 1944 (e) a dwelling located within an area that:
- 1945 (i) is zoned primarily for residential use; and
- 1946 (ii) was substantially developed before calendar year 1950;
- 1947 (f) an ordinance enacted to implement water efficient landscaping in a rear yard;
- 1948 (g) an ordinance enacted to regulate type of cladding, in response to findings or
- 1949 evidence from the construction industry of:

- 1950 (i) defects in the material of existing cladding; or
- 1951 (ii) consistent defects in the installation of existing cladding; or
- 1952 (h) a land use regulation, including a planned unit development or overlay zone, that a
- 1953 property owner requests:
- 1954 (i) the county to apply to the owner's property; and
- 1955 (ii) in exchange for an increase in density or other benefit not otherwise available as a
- 1956 permitted use in the zoning area or district.

1957 Section 62. Section **17C-2-103** is amended to read:

1958 **17C-2-103. Urban renewal project area plan requirements.**

- 1959 (1) An agency shall ensure that each urban renewal project area plan and proposed
- 1960 project area plan:
- 1961 (a) describes the boundaries of the project area, subject to Section [17C-1-414](#), if
- 1962 applicable;
- 1963 (b) contains a general statement of the land uses, layout of principal streets, population
- 1964 densities, and building intensities of the project area and how they will be affected by the
- 1965 project area development;
- 1966 (c) states the standards that will guide the project area development;
- 1967 (d) shows how the purposes of this title will be attained by the project area
- 1968 development;
- 1969 (e) is consistent with the general plan of the community in which the project area is
- 1970 located and show that the project area development will conform to the community's general
- 1971 plan;
- 1972 (f) describes how the project area development will reduce or eliminate a development
- 1973 impediment in the project area;
- 1974 (g) describes any specific project or projects that are the object of the proposed project
- 1975 area development;
- 1976 (h) identifies how a participant will be selected to undertake the project area
- 1977 development and identify each participant currently involved in the project area development;
- 1978 (i) states the reasons for the selection of the project area;
- 1979 (j) describes the physical, social, and economic conditions existing in the project area;
- 1980 (k) describes any tax incentives offered private entities for facilities located in the

1981 project area;

1982 (l) includes the analysis described in Subsection (2);

1983 (m) if any of the existing buildings or uses in the project area are included in or eligible

1984 for inclusion in the National Register of Historic Places or the State Register, states that the

1985 agency shall comply with Section [~~9-8-404~~] [9-8a-404](#) as though the agency were a state agency;

1986 and

1987 (n) includes other information that the agency determines to be necessary or advisable.

1988 (2) An agency shall ensure that each analysis under Subsection (1)(l) considers:

1989 (a) the benefit of any financial assistance or other public subsidy proposed to be

1990 provided by the agency, including:

1991 (i) an evaluation of the reasonableness of the costs of the project area development;

1992 (ii) efforts the agency or participant has made or will make to maximize private

1993 investment;

1994 (iii) the rationale for use of tax increment, including an analysis of whether the

1995 proposed project area development might reasonably be expected to occur in the foreseeable

1996 future solely through private investment; and

1997 (iv) an estimate of the total amount of tax increment that will be expended in

1998 undertaking project area development and the project area funds collection period; and

1999 (b) the anticipated public benefit to be derived from the project area development,

2000 including:

2001 (i) the beneficial influences upon the tax base of the community;

2002 (ii) the associated business and economic activity likely to be stimulated; and

2003 (iii) whether adoption of the project area plan is necessary and appropriate to reduce or

2004 eliminate a development impediment.

2005 Section 63. Section **17C-2-104** is amended to read:

2006 **17C-2-104. Existing and historic buildings and uses in an urban renewal project**

2007 **area.**

2008 If any of the existing buildings or uses in an urban renewal project area are included in

2009 or eligible for inclusion in the National Register of Historic Places or the State Register, the

2010 agency shall comply with Section [~~9-8-404~~] [9-8a-404](#) as though the agency were a state agency.

2011 Section 64. Section **17C-3-103** is amended to read:

- 2012 **17C-3-103. Economic development project area plan requirements.**
- 2013 (1) Each economic development project area plan and proposed project area plan shall:
- 2014 (a) describe the boundaries of the project area, subject to Section [17C-1-414](#), if
- 2015 applicable;
- 2016 (b) contain a general statement of the land uses, layout of principal streets, population
- 2017 densities, and building intensities of the project area and how they will be affected by the
- 2018 project area development;
- 2019 (c) state the standards that will guide the project area development;
- 2020 (d) show how the purposes of this title will be attained by the project area
- 2021 development;
- 2022 (e) be consistent with the general plan of the community in which the project area is
- 2023 located and show that the project area development will conform to the community's general
- 2024 plan;
- 2025 (f) describe how the project area development will create additional jobs;
- 2026 (g) describe any specific project or projects that are the object of the proposed project
- 2027 area development;
- 2028 (h) identify how a participant will be selected to undertake the project area
- 2029 development and identify each participant currently involved in the project area development;
- 2030 (i) state the reasons for the selection of the project area;
- 2031 (j) describe the physical, social, and economic conditions existing in the project area;
- 2032 (k) describe any tax incentives offered private entities for facilities located in the
- 2033 project area;
- 2034 (l) include an analysis, as provided in Subsection (2), of whether adoption of the
- 2035 project area plan is beneficial under a benefit analysis;
- 2036 (m) if any of the existing buildings or uses in the project area are included in or eligible
- 2037 for inclusion in the National Register of Historic Places or the State Register, state that the
- 2038 agency shall comply with Subsection [~~9-8-404(1)~~] [9-8a-404\(1\)](#) as though the agency were a
- 2039 state agency; and
- 2040 (n) include other information that the agency determines to be necessary or advisable.
- 2041 (2) Each analysis under Subsection (1)(l) shall consider:
- 2042 (a) the benefit of any financial assistance or other public subsidy proposed to be

2043 provided by the agency, including:

2044 (i) an evaluation of the reasonableness of the costs of project area development;

2045 (ii) efforts the agency or participant has made or will make to maximize private
2046 investment;

2047 (iii) the rationale for use of tax increment, including an analysis of whether the
2048 proposed project area development might reasonably be expected to occur in the foreseeable
2049 future solely through private investment; and

2050 (iv) an estimate of the total amount of tax increment that will be expended in
2051 undertaking project area development and the length of time for which it will be expended; and

2052 (b) the anticipated public benefit to be derived from the project area development,
2053 including:

2054 (i) the beneficial influences upon the tax base of the community;

2055 (ii) the associated business and economic activity likely to be stimulated; and

2056 (iii) the number of jobs or employment anticipated to be generated or preserved.

2057 Section 65. Section **17C-3-104** is amended to read:

2058 **17C-3-104. Existing and historic buildings and uses in an economic development**
2059 **project area.**

2060 If any of the existing buildings or uses in an economic development project area are
2061 included in or eligible for inclusion in the National Register of Historic Places or the State
2062 Register, the agency shall comply with Subsection [~~9-8-404(1)~~] 9-8a-404(1) as though the
2063 agency were a state agency.

2064 Section 66. Section **17C-5-105** is amended to read:

2065 **17C-5-105. Community reinvestment project area plan requirements.**

2066 An agency shall ensure that each community reinvestment project area plan and
2067 proposed community reinvestment project area plan:

2068 (1) subject to Section **17C-1-414**, if applicable, includes a boundary description and a
2069 map of the community reinvestment project area;

2070 (2) contains a general statement of the existing land uses, layout of principal streets,
2071 population densities, and building intensities of the community reinvestment project area and
2072 how each will be affected by project area development;

2073 (3) states the standards that will guide project area development;

- 2074 (4) shows how project area development will further purposes of this title;
- 2075 (5) is consistent with the general plan of the community in which the community
2076 reinvestment project area is located and shows that project area development will conform to
2077 the community's general plan;
- 2078 (6) if applicable, describes how project area development will eliminate or reduce a
2079 development impediment in the community reinvestment project area;
- 2080 (7) describes any specific project area development that is the object of the community
2081 reinvestment project area plan;
- 2082 (8) if applicable, explains how the agency plans to select a participant;
- 2083 (9) states each reason the agency selected the community reinvestment project area;
- 2084 (10) describes the physical, social, and economic conditions that exist in the
2085 community reinvestment project area;
- 2086 (11) describes each type of financial assistance that the agency anticipates offering a
2087 participant;
- 2088 (12) includes an analysis or description of the anticipated public benefit resulting from
2089 project area development, including benefits to the community's economic activity and tax
2090 base;
- 2091 (13) if applicable, states that the agency shall comply with Section [~~9-8-404~~] [9-8a-404](#)
2092 as required under Section [17C-5-106](#);
- 2093 (14) for a community reinvestment project area plan that an agency adopted before
2094 May 14, 2019, states whether the community reinvestment project area plan or proposed
2095 community reinvestment project area plan is subject to a taxing entity committee or an
2096 interlocal agreement; and
- 2097 (15) includes other information that the agency determines to be necessary or
2098 advisable.
- 2099 Section 67. Section **17C-5-106** is amended to read:
- 2100 **17C-5-106. Existing and historic buildings and uses in a community reinvestment**
2101 **project area.**
- 2102 An agency shall comply with Section [~~9-8-404~~] [9-8a-404](#) as though the agency is a state
2103 agency if:
- 2104 (1) any of the existing buildings or uses in a community reinvestment project area are

2105 included in, or eligible for inclusion in, the National Register of Historic Places or the State
2106 Register; and

2107 (2) the agency spends agency funds on the demolition or rehabilitation of existing
2108 buildings described in Subsection (1).

2109 Section 68. Section **53B-17-603** is amended to read:

2110 **53B-17-603. Curation and deposit of specimens.**

2111 (1) For purposes of this section:

2112 (a) "Collections" ~~[is]~~ means the same as that term is defined [as provided] in Section

2113 ~~[9-8-302]~~ 9-8a-302.

2114 (b) "Curation facility" means:

2115 (i) the museum;

2116 (ii) an accredited facility meeting federal curation standards; or

2117 (iii) an appropriate state park.

2118 (c) "Museum" means the Utah Museum of Natural History.

2119 (d) "Repository" means:

2120 (i) a facility designated by the museum through memoranda of agreement; or

2121 (ii) a place of reburial.

2122 (e) "School and institutional trust lands" are those properties defined in Section

2123 53C-1-103.

2124 (2) The museum shall make rules to ensure the adequate curation of all collections
2125 from lands owned or controlled by the state or its subdivisions. The rules shall:

2126 (a) conform to, but not be limited by, federal curation policy;

2127 (b) recognize that collections recovered from school and institutional trust lands are
2128 owned by the respective trust, and shall be made available for exhibition as the beneficiaries of
2129 the respective trust may request, subject to museum curation policy and the curation facility's
2130 budgetary priorities;

2131 (c) recognize that any collections obtained in exchange for collections found on school
2132 and institutional trust lands shall be owned by the respective trust; and

2133 (d) recognize that if, at its discretion, the curation facility makes and sells
2134 reproductions derived from collections found on school or institutional trust lands, any money
2135 obtained from these sales shall be given to the respective trust, but the curation facility may

2136 retain money sufficient to recover the direct costs of preparation for sale and a reasonable fee
2137 for handling the sale.

2138 (3) (a) The museum may enter into memoranda of agreement with other repositories
2139 located in and outside the state to act as its designee for the curation of collections.

2140 (b) In these memoranda, the museum may delegate some or all of its authority to
2141 curate.

2142 (4) (a) All collections recovered from lands owned or controlled by the state or its
2143 subdivisions shall be deposited at the museum, a curation facility, or at a repository within a
2144 reasonable time after the completion of field work.

2145 (b) The museum shall make rules establishing procedures for selection of the
2146 appropriate curation facility or repository.

2147 (c) The rules shall consider:

2148 (i) whether the permittee, authorized pursuant to Section [~~9-8-305~~] [9-8a-305](#), is a
2149 curation facility;

2150 (ii) the appropriateness of reburial;

2151 (iii) the proximity of the curation facility or repository to the point of origin of the
2152 collection;

2153 (iv) the preference of the owner of the land on which the collection was found;

2154 (v) the nature of the collection and the repository's or curation facility's ability and
2155 desire to curate the collection in question, and ability to maximize the scientific, educational,
2156 and cultural benefits for the people of the state and the school and institutional trusts;

2157 (vi) selection of a second curation facility or repository, if the original repository or
2158 curation facility becomes unable to curate the collections under its care; and

2159 (vii) establishment of an arbitration process for the resolution of disputes over the
2160 location of a curation facility or repository, which shall include an ultimate arbitration authority
2161 consisting of the landowner, the state archaeologist or paleontologist, and a representative from
2162 the governor's office.

2163 (d) The repository or curation facility may charge a curation fee commensurate with the
2164 costs of maintaining those collections, except that a fee may not be charged to the respective
2165 trust for collections found on school or institutional trust lands.

2166 (5) The repository or curation facility shall make specimens available through loans to

2167 museums and research institutions in and out of the state when, in the opinion of the repository
2168 or curation facility:

2169 (a) the use of the specimens is appropriate; and

2170 (b) arrangements are made for safe custodianship of the specimens.

2171 (6) The museum shall comply with the procedures of Title 63G, Chapter 3, Utah
2172 Administrative Rulemaking Act, regarding publication of its rules in the Utah State Bulletin
2173 and the Utah Administrative Code.

2174 Section 69. Section **53B-18-1002** is amended to read:

2175 **53B-18-1002. Establishment of the center -- Purpose -- Duties and**
2176 **responsibilities.**

2177 (1) There is established the Mormon Pioneer Heritage Center in connection with Utah
2178 State University.

2179 (2) The purpose of the center is to coordinate interdepartmental research and extension
2180 efforts in recreation, heritage tourism, and agricultural extension service and to enter into
2181 cooperative contracts with the United States Departments of Agriculture and the Interior, state,
2182 county, and city officers, public and private organizations, and individuals to enhance Mormon
2183 pioneer heritage.

2184 (3) The center has the following duties and responsibilities:

2185 (a) to support United States Congressional findings that the landscape, architecture,
2186 traditions, products, and events in the counties convey the heritage of pioneer settlements and
2187 their role in agricultural development;

2188 (b) to coordinate with extension agents in the counties to assist in the enhancement of
2189 heritage businesses and the creation of heritage products;

2190 (c) to foster a close working relationship with all levels of government, the private
2191 sector, residents, business interests, and local communities;

2192 (d) to support United States Congressional findings that the historical, cultural, and
2193 natural heritage legacies of Mormon colonization and settlement are nationally significant;

2194 (e) to encourage research and studies relative to the variety of heritage resources along
2195 the 250-mile Highway 89 corridor from Fairview to Kanab, Utah, and Highways 12 and 24, the
2196 All American Road, to the extent those resources demonstrate:

2197 (i) the colonization of the western United States; and

2198 (ii) the expansion of the United States as a major world power;
2199 (f) to demonstrate that the great relocation to the western United States was facilitated
2200 by:
2201 (i) the 1,400 mile trek from Illinois to the Great Salt Lake by the Mormon Pioneers;
2202 and
2203 (ii) the subsequent colonization effort in Nevada, Utah, the southeast corner of Idaho,
2204 the southwest corner of Wyoming, large areas of southeastern Oregon, much of southern
2205 California, and areas along the eastern border of California; and
2206 (g) to assist in interpretive efforts that demonstrate how the Boulder Loop, Capitol
2207 Reef National Park, Zion National Park, Bryce Canyon National Park, and the Highway 89 area
2208 convey the compelling story of how early settlers:
2209 (i) interacted with Native Americans; and
2210 (ii) established towns and cities in a harsh, yet spectacular, natural environment.
2211 (4) The center, in collaboration with the United States Department of the Interior, the
2212 National Park Service, the United States Department of Agriculture, the United States Forest
2213 Service, the Department of Cultural and Community Engagement, the Utah [~~Division of State~~
2214 ~~History~~] Historical Society, and the alliance and its intergovernmental local partners, shall:
2215 (a) assist in empowering communities in the counties to conserve, preserve, and
2216 enhance the heritage of the communities while strengthening future economic opportunities;
2217 (b) help conserve, interpret, and develop the historical, cultural, natural, and
2218 recreational resources within the counties; and
2219 (c) expand, foster, and develop heritage businesses and products relating to the cultural
2220 heritage of the counties.
2221 (5) The center, in collaboration with the United States Department of the Interior, the
2222 National Park Service, and with funding from the alliance, shall develop a heritage
2223 management plan.

2224 Section 70. Section **59-7-609** is amended to read:

2225 **59-7-609. Historic preservation credit.**

2226 (1) (a) For tax years beginning January 1, 1993, and thereafter, there is allowed to a
2227 taxpayer subject to Section **59-7-104**, as a credit against the tax due, an amount equal to 20% of
2228 qualified rehabilitation expenditures, costing more than \$10,000, incurred in connection with

2229 any residential certified historic building. When qualifying expenditures of more than \$10,000
2230 are incurred, the credit allowed by this section shall apply to the full amount of expenditures.

2231 (b) All rehabilitation work to which the credit may be applied shall be approved by the
2232 State Historic Preservation Office prior to completion of the rehabilitation project as meeting
2233 the Secretary of the Interior's Standards for Rehabilitation so that the office can provide
2234 corrective comments to the taxpayer in order to preserve the historical qualities of the building.

2235 (c) Any amount of credit remaining may be carried forward to each of the five taxable
2236 years following the qualified expenditures.

2237 (d) The commission, in consultation with the [~~Division of State History~~] State Historic
2238 Preservation Office, shall promulgate rules to implement this section.

2239 (2) As used in this section:

2240 (a) "Certified historic building" means a building that is listed on the National Register
2241 of Historic Places within three years of taking the credit under this section or that is located in a
2242 National Register Historic District and the building has been designated by the [~~Division of~~
2243 ~~State History~~] State Historic Preservation Office as being of significance to the district.

2244 (b) (i) "Qualified rehabilitation expenditures" means any amount properly chargeable
2245 to the rehabilitation and restoration of the physical elements of the building, including the
2246 historic decorative elements, and the upgrading of the structural, mechanical, electrical, and
2247 plumbing systems to applicable codes.

2248 (ii) "Qualified rehabilitation expenditures" does not include expenditures related to:

2249 (A) the taxpayer's personal labor;

2250 (B) cost of acquisition of the property;

2251 (C) any expenditure attributable to the enlargement of an existing building;

2252 (D) rehabilitation of a certified historic building without the approval required in

2253 Subsection (1)(b); or

2254 (E) any expenditure attributable to landscaping and other site features, outbuildings,
2255 garages, and related features.

2256 (c) "Residential" means a building used for residential use, either owner occupied or
2257 income producing.

2258 Section 71. Section **59-10-1006** is amended to read:

2259 **59-10-1006. Historic preservation tax credit.**

2260 (1) (a) For tax years beginning January 1, 1993, and thereafter, there is allowed to a
2261 claimant, estate, or trust, as a nonrefundable tax credit against the income tax due, an amount
2262 equal to 20% of qualified rehabilitation expenditures, costing more than \$10,000, incurred in
2263 connection with any residential certified historic building. When qualifying expenditures of
2264 more than \$10,000 are incurred, the tax credit allowed by this section shall apply to the full
2265 amount of expenditures.

2266 (b) All rehabilitation work to which the tax credit may be applied shall be approved by
2267 the State Historic Preservation Office prior to completion of the rehabilitation project as
2268 meeting the Secretary of the Interior's Standards for Rehabilitation so that the office can
2269 provide corrective comments to the claimant, estate, or trust in order to preserve the historical
2270 qualities of the building.

2271 (c) Any amount of tax credit remaining may be carried forward to each of the five
2272 taxable years following the qualified expenditures.

2273 (d) The commission, in consultation with the ~~[Division of State History]~~ State Historic
2274 Preservation Office, shall promulgate rules to implement this section.

2275 (2) As used in this section:

2276 (a) "Certified historic building" means a building that is listed on the National Register
2277 of Historic Places within three years of taking the credit under this section or that is located in a
2278 National Register Historic District and the building has been designated by the ~~[Division of~~
2279 ~~State History]~~ State Historic Preservation Office as being of significance to the district.

2280 (b) (i) "Qualified rehabilitation expenditures" means any amount properly chargeable
2281 to the rehabilitation and restoration of the physical elements of the building, including the
2282 historic decorative elements, and the upgrading of the structural, mechanical, electrical, and
2283 plumbing systems to applicable codes.

2284 (ii) "Qualified rehabilitation expenditures" does not include expenditures related to:

2285 (A) a claimant's, estate's, or trust's personal labor;

2286 (B) cost of acquisition of the property;

2287 (C) any expenditure attributable to the enlargement of an existing building;

2288 (D) rehabilitation of a certified historic building without the approval required in
2289 Subsection (1)(b); or

2290 (E) any expenditure attributable to landscaping and other site features, outbuildings,

2291 garages, and related features.

2292 (c) "Residential" means a building used for residential use, either owner occupied or
2293 income producing.

2294 Section 72. Section **63A-12-112** is amended to read:

2295 **63A-12-112. Records Management Committee -- Creation -- Membership --**
2296 **Administration.**

2297 (1) There is created the Records Management Committee composed of the following
2298 seven members:

2299 (a) the director of the [~~Division of State History~~] Utah Historical Society or the
2300 director's designee;

2301 (b) the director of the Division of Archives and Records Services or the director's
2302 designee; and

2303 (c) five members appointed by the governor as follows:

2304 (i) a member of the Utah State Bar who understands public records keeping under Title
2305 63G, Chapter 2, Government Records Access and Management Act;

2306 (ii) a member with experience in public finance;

2307 (iii) an individual from the private sector whose principal professional responsibilities
2308 are to create or manage records;

2309 (iv) a member representing political subdivisions, recommended by the Utah League of
2310 Cities and Towns; and

2311 (v) a member representing the news media.

2312 (2) (a) Except as provided in Subsection (2)(b), the governor shall appoint each
2313 member to a four-year term.

2314 (b) Notwithstanding Subsection (2)(a), the governor shall, at the time of appointment
2315 or reappointment, adjust the length of committee members' terms to ensure that the terms of
2316 members appointed by the governor are staggered so that approximately half of the committee
2317 members appointed by the governor are appointed every two years.

2318 (c) Each appointed member of the committee is eligible for reappointment for one
2319 additional term.

2320 (3) When a vacancy occurs in the membership of the committee for any reason, the
2321 applicable appointing authority shall appoint a replacement for the unexpired term.

2322 (4) A member of the Records Management Committee may not receive compensation
2323 or benefits for the member's service on the committee, but may receive per diem and travel
2324 expenses in accordance with:

- 2325 (a) Section [63A-3-106](#);
- 2326 (b) Section [63A-3-107](#); and
- 2327 (c) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

2328 Section 73. Section **63C-9-301** is amended to read:

2329 **63C-9-301. Board powers -- Subcommittees.**

2330 (1) The board shall:

2331 (a) except as provided in Subsection (2), exercise complete jurisdiction and
2332 stewardship over capitol hill facilities, capitol hill grounds, and the capitol hill complex;

2333 (b) preserve, maintain, and restore the capitol hill complex, capitol hill facilities,
2334 capitol hill grounds, and their contents;

2335 (c) before October 1 of each year, review and approve the executive director's annual
2336 budget request for submittal to the governor and Legislature;

2337 (d) by October 1 of each year, prepare and submit a recommended budget request for
2338 the upcoming fiscal year for the capitol hill complex to:

2339 (i) the governor, through the Governor's Office of Planning and Budget; and

2340 (ii) the Legislature's appropriations subcommittee responsible for capitol hill facilities,
2341 through the Office of the Legislative Fiscal Analyst;

2342 (e) review and approve the executive director's:

2343 (i) annual work plan;

2344 (ii) long-range master plan for the capitol hill complex, capitol hill facilities, and
2345 capitol hill grounds; and

2346 (iii) furnishings plan for placement and care of objects under the care of the board;

2347 (f) approve all changes to the buildings and their grounds, including:

2348 (i) restoration, remodeling, and rehabilitation projects;

2349 (ii) usual maintenance program; and

2350 (iii) any transfers or loans of objects under the board's care;

2351 (g) define and identify all significant aspects of the capitol hill complex, capitol hill
2352 facilities, and capitol hill grounds, after consultation with the:

- 2353 (i) Division of Facilities Construction and Management;
2354 (ii) State Library Division;
2355 (iii) Division of Archives and Records Service;
2356 (iv) [~~Division of State History~~] Utah Historical Society;
2357 (v) Office of Museum Services; and
2358 (vi) Arts Council;
- 2359 (h) inventory, define, and identify all significant contents of the buildings and all
2360 state-owned items of historical significance that were at one time in the buildings, after
2361 consultation with the:
- 2362 (i) Division of Facilities Construction and Management;
2363 (ii) State Library Division;
2364 (iii) Division of Archives and Records Service;
2365 (iv) [~~Division of State History~~] Utah Historical Society;
2366 (v) Office of Museum Services; and
2367 (vi) Arts Council;
- 2368 (i) maintain archives relating to the construction and development of the buildings, the
2369 contents of the buildings and their grounds, including documents such as plans, specifications,
2370 photographs, purchase orders, and other related documents, the original copies of which shall
2371 be maintained by the Division of Archives and Records Service;
- 2372 (j) comply with federal and state laws related to program and facility accessibility; and
2373 (k) establish procedures for receiving, hearing, and deciding complaints or other issues
2374 raised about the capitol hill complex, capitol hill facilities, and capitol hill grounds, or their
2375 use.
- 2376 (2) (a) Notwithstanding Subsection (1)(a), the supervision and control of the legislative
2377 area, as defined in Section [36-5-1](#), is reserved to the Legislature; and
2378 (b) the supervision and control of the governor's area, as defined in Section [67-1-16](#), is
2379 reserved to the governor.
- 2380 (3) (a) The board shall make rules to govern, administer, and regulate the capitol hill
2381 complex, capitol hill facilities, and capitol hill grounds by following the procedures and
2382 requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
2383 (b) A violation of a rule relating to the use of the capitol hill complex adopted by the

2384 board under the authority of this Subsection (3) is an infraction.

2385 (c) If an act violating a rule under Subsection (3)(b) also amounts to an offense subject
2386 to a greater penalty under this title, Title 32B, Alcoholic Beverage Control Act, Title 41, Motor
2387 Vehicles, Title 76, Utah Criminal Code, or other provision of state law, Subsection (3)(b) does
2388 not prohibit prosecution and sentencing for the more serious offense.

2389 (d) In addition to any punishment allowed under Subsections (3)(b) and (c), a person
2390 who violates a rule adopted by the board under the authority of this Subsection (3) is subject to
2391 a civil penalty not to exceed \$2,500 for each violation, plus the amount of any actual damages,
2392 expenses, and costs related to the violation of the rule that are incurred by the state.

2393 (e) The board may take any other legal action allowed by law.

2394 (f) The board may not apply this section or rules adopted under the authority of this
2395 section in a manner that violates a person's rights under the Utah Constitution or the First
2396 Amendment to the United States Constitution, including the right of persons to peaceably
2397 assemble.

2398 (g) The board shall send proposed rules under this section to the legislative general
2399 counsel and the governor's general counsel for review and comment before the board adopts the
2400 rules.

2401 (4) The board is exempt from the requirements of Title 63G, Chapter 6a, Utah
2402 Procurement Code, but shall adopt procurement rules substantially similar to the requirements
2403 of that chapter.

2404 (5) The board shall name:

2405 (a) the House Building, that is defined in Section 36-5-1, the "Rebecca D. Lockhart
2406 House Building"; and

2407 (b) committee room 210 in the Senate Building, that is defined in Section 36-5-1, the
2408 "Allyson W. Gamble Committee Room".

2409 (6) (a) The board may:

2410 (i) establish subcommittees made up of board members and members of the public to
2411 assist and support the executive director in accomplishing the executive director's duties;

2412 (ii) establish fees for the use of capitol hill facilities and capitol hill grounds;

2413 (iii) assign and allocate specific duties and responsibilities to any other state agency, if
2414 the other agency agrees to perform the duty or accept the responsibility;

- 2415 (iv) contract with another state agency to provide services;
- 2416 (v) delegate by specific motion of the board any authority granted to it by this section
2417 to the executive director;
- 2418 (vi) in conjunction with Salt Lake City, expend money to improve or maintain public
2419 property contiguous to East Capitol Boulevard and capitol hill;
- 2420 (vii) provide wireless Internet service to the public without a fee in any capitol hill
2421 facility; and
- 2422 (viii) when necessary, consult with the:
- 2423 (A) Division of Facilities Construction and Management;
- 2424 (B) State Library Division;
- 2425 (C) Division of Archives and Records Service;
- 2426 (D) [~~Division of State History~~] Utah Historical Society;
- 2427 (E) Office of Museum Services; and
- 2428 (F) Arts Council.
- 2429 (b) The board's provision of wireless Internet service under Subsection (6)(a)(vii) shall
2430 be discontinued in the legislative area if the president of the Senate and the speaker of the
2431 House of Representatives each submit a signed letter to the board indicating that the service is
2432 disruptive to the legislative process and is to be discontinued.
- 2433 (c) If a budget subcommittee is established by the board, the following shall serve as ex
2434 officio, nonvoting members of the budget subcommittee:
- 2435 (i) the legislative fiscal analyst, or the analyst's designee, who shall be from the Office
2436 of the Legislative Fiscal Analyst; and
- 2437 (ii) the executive director of the Governor's Office of Planning and Budget, or the
2438 executive director's designee, who shall be from the Governor's Office of Planning and Budget.
- 2439 (d) If a preservation and maintenance subcommittee is established by the board, the
2440 board may, by majority vote, appoint one or each of the following to serve on the
2441 subcommittee as voting members of the subcommittee:
- 2442 (i) an architect, who shall be selected from a list of three architects submitted by the
2443 American Institute of Architects; or
- 2444 (ii) an engineer, who shall be selected from a list of three engineers submitted by the
2445 American Civil Engineers Council.

2446 (e) If the board establishes any subcommittees, the board may, by majority vote,
2447 appoint up to two people who are not members of the board to serve, at the will of the board, as
2448 nonvoting members of a subcommittee.

2449 (f) Members of each subcommittee shall, at the first meeting of each calendar year,
2450 select one individual to act as chair of the subcommittee for a one-year term.

2451 (7) (a) The board, and the employees of the board, may not move the office of the
2452 governor, lieutenant governor, president of the Senate, speaker of the House of
2453 Representatives, or a member of the Legislature from the State Capitol unless the removal is
2454 approved by:

2455 (i) the governor, in the case of the governor's office;

2456 (ii) the lieutenant governor, in the case of the lieutenant governor's office;

2457 (iii) the president of the Senate, in the case of the president's office or the office of a
2458 member of the Senate; or

2459 (iv) the speaker of the House of Representatives, in the case of the speaker's office or
2460 the office of a member of the House.

2461 (b) The board and the employees of the board have no control over the furniture,
2462 furnishings, and decorative objects in the offices of the governor, lieutenant governor, or the
2463 members of the Legislature except as necessary to inventory or conserve items of historical
2464 significance owned by the state.

2465 (c) The board and the employees of the board have no control over records and
2466 documents produced by or in the custody of a state agency, official, or employee having an
2467 office in a building on the capitol hill complex.

2468 (d) Except for items identified by the board as having historical significance, and
2469 except as provided in Subsection (7)(b), the board and the employees of the board have no
2470 control over moveable furnishings and equipment in the custody of a state agency, official, or
2471 employee having an office in a building on the capitol hill complex.

2472 Section 74. Section **63C-9-601** is amended to read:

2473 **63C-9-601. Responsibility for items.**

2474 Furniture, furnishings, fixtures, works of art, and decorative objects for which the board
2475 has responsibility under this chapter are not subject to the custody or control of the State
2476 Library Board, the State Library Division, the Division of Archives and Records Service, the

2477 [~~Division of State History~~] Utah Historical Society, the Division of Arts and Museums, the arts
2478 collection committee of the State of Utah Alice Merrill Horne Art Collection, or any other state
2479 agency.

2480 Section 75. Section **63L-11-202** is amended to read:

2481 **63L-11-202. Powers and duties of the office and executive director.**

2482 (1) The office shall:

2483 (a) make a report to the Constitutional Defense Council created under Section
2484 [63C-4a-202](#) concerning R.S. 2477 rights and other public lands issues under Title 63C, Chapter
2485 4a, Constitutional and Federalism Defense Act;

2486 (b) provide staff assistance to the Constitutional Defense Council created under Section
2487 [63C-4a-202](#) for meetings of the council;

2488 (c) (i) prepare and submit a constitutional defense plan under Section [63C-4a-403](#); and

2489 (ii) execute any action assigned in a constitutional defense plan;

2490 (d) develop public lands policies by:

2491 (i) developing cooperative contracts and agreements between the state, political
2492 subdivisions, and agencies of the federal government for involvement in the development of
2493 public lands policies;

2494 (ii) producing research, documents, maps, studies, analysis, or other information that
2495 supports the state's participation in the development of public lands policy;

2496 (iii) preparing comments to ensure that the positions of the state and political
2497 subdivisions are considered in the development of public lands policy; and

2498 (iv) partnering with state agencies and political subdivisions in an effort to:

2499 (A) prepare coordinated public lands policies;

2500 (B) develop consistency reviews and responses to public lands policies;

2501 (C) develop management plans that relate to public lands policies; and

2502 (D) develop and maintain a statewide land use plan that is based on cooperation and in
2503 conjunction with political subdivisions;

2504 (e) facilitate and coordinate the exchange of information, comments, and
2505 recommendations on public lands policies between and among:

2506 (i) state agencies;

2507 (ii) political subdivisions;

- 2508 (iii) the Office of Rural Development created under Section [63N-4-102](#);
- 2509 (iv) the coordinating committee;
- 2510 (v) School and Institutional Trust Lands Administration created under Section
- 2511 [53C-1-201](#);
- 2512 (vi) the committee created under Section [63A-16-507](#) to award grants to counties to
- 2513 inventory and map R.S. 2477 rights-of-way, associated structures, and other features; and
- 2514 (vii) the Constitutional Defense Council created under Section [63C-4a-202](#);
- 2515 (f) perform the duties established in [~~Title 9, Chapter 8, Part 3, Antiquities, and Title 9,~~
- 2516 ~~Chapter 8, Part 4, Historic Sites~~] Title 9, Chapter 8a, Part 3, Antiquities, and Title 9, Chapter
- 2517 8a, Part 4, Historic Sites;
- 2518 (g) consistent with other statutory duties, encourage agencies to responsibly preserve
- 2519 archaeological resources;
- 2520 (h) maintain information concerning grants made under Subsection (1)(j), if available;
- 2521 (i) report annually, or more often if necessary or requested, concerning the office's
- 2522 activities and expenditures to:
- 2523 (i) the Constitutional Defense Council; and
- 2524 (ii) the Legislature's Natural Resources, Agriculture, and Environment Interim
- 2525 Committee jointly with the Constitutional Defense Council;
- 2526 (j) make grants of up to 16% of the office's total annual appropriations from the
- 2527 Constitutional Defense Restricted Account to a county or statewide association of counties to
- 2528 be used by the county or association of counties for public lands matters if the executive
- 2529 director, with the advice of the Constitutional Defense Council, determines that the action
- 2530 provides a state benefit;
- 2531 (k) provide staff services to the Snake Valley Aquifer Advisory Council created in
- 2532 Section [63C-12-103](#);
- 2533 (l) coordinate and direct the Snake Valley Aquifer Research Team created in Section
- 2534 [63C-12-107](#);
- 2535 (m) conduct the public lands transfer study and economic analysis required by Section
- 2536 [63L-11-304](#); and
- 2537 (n) fulfill the duties described in Section [63L-10-103](#).
- 2538 (2) The executive director shall comply with Subsection [63C-4a-203](#)(8) before

2539 submitting a comment to a federal agency, if the governor would be subject to Subsection
2540 63C-4a-203(8) in submitting the comment.

2541 (3) The office may enter into an agreement with another state agency to provide
2542 information and services related to:

2543 (a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and
2544 Classification Act;

2545 (b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and
2546 Classification Act, or R.S. 2477 matters; or

2547 (c) any other matter within the office's responsibility.

2548 (4) In fulfilling the duties under this part, the office shall consult, as necessary, with:

2549 (a) the Department of Natural Resources;

2550 (b) the Department of Agriculture and Food;

2551 (c) the Department of Environmental Quality;

2552 (d) other applicable state agencies;

2553 (e) political subdivisions of the state;

2554 (f) federal land management agencies; and

2555 (g) elected officials.

2556 Section 76. Section 63L-11-402 is amended to read:

2557 **63L-11-402. Membership -- Terms -- Chair -- Expenses.**

2558 (1) The Resource Development Coordinating Committee consists of the following 26
2559 members:

2560 (a) the state science advisor;

2561 (b) a representative from the Department of Agriculture and Food appointed by the
2562 commissioner of the Department of Agriculture and Food;

2563 (c) a representative from the Department of Cultural and Community Engagement
2564 appointed by the executive director of the Department of Cultural and Community
2565 Engagement;

2566 (d) a representative from the Department of Environmental Quality appointed by the
2567 executive director of the Department of Environmental Quality;

2568 (e) a representative from the Department of Natural Resources appointed by the
2569 executive director of the Department of Natural Resources;

- 2570 (f) a representative from the Department of Transportation appointed by the executive
2571 director of the Department of Transportation;
- 2572 (g) a representative from the Governor's Office of Economic Opportunity appointed by
2573 the director of the Governor's Office of Economic Opportunity;
- 2574 (h) a representative from the Housing and Community Development Division
2575 appointed by the director of the Housing and Community Development Division;
- 2576 (i) a representative from the [~~Division of State History~~] Utah Historical Society
2577 appointed by the director of the [~~Division of State History~~] Utah Historical Society;
- 2578 (j) a representative from the Division of Air Quality appointed by the director of the
2579 Division of Air Quality;
- 2580 (k) a representative from the Division of Drinking Water appointed by the director of
2581 the Division of Drinking Water;
- 2582 (l) a representative from the Division of Environmental Response and Remediation
2583 appointed by the director of the Division of Environmental Response and Remediation;
- 2584 (m) a representative from the Division of Waste Management and Radiation Control
2585 appointed by the director of the Division of Waste Management and Radiation Control;
- 2586 (n) a representative from the Division of Water Quality appointed by the director of the
2587 Division of Water Quality;
- 2588 (o) a representative from the Division of Oil, Gas, and Mining appointed by the
2589 director of the Division of Oil, Gas, and Mining;
- 2590 (p) a representative from the Division of Parks appointed by the director of the
2591 Division of Parks;
- 2592 (q) a representative from the Division of Outdoor Recreation appointed by the director
2593 of the Division of Outdoor Recreation;
- 2594 (r) a representative from the Division of Forestry, Fire, and State Lands appointed by
2595 the director of the Division of Forestry, Fire, and State Lands;
- 2596 (s) a representative from the Utah Geological Survey appointed by the director of the
2597 Utah Geological Survey;
- 2598 (t) a representative from the Division of Water Resources appointed by the director of
2599 the Division of Water Resources;
- 2600 (u) a representative from the Division of Water Rights appointed by the director of the

2601 Division of Water Rights;

2602 (v) a representative from the Division of Wildlife Resources appointed by the director
2603 of the Division of Wildlife Resources;

2604 (w) a representative from the School and Institutional Trust Lands Administration
2605 appointed by the director of the School and Institutional Trust Lands Administration;

2606 (x) a representative from the Division of Facilities Construction and Management
2607 appointed by the director of the Division of Facilities Construction and Management;

2608 (y) a representative from the Division of Emergency Management appointed by the
2609 director of the Division of Emergency Management; and

2610 (z) a representative from the Division of Conservation, created under Section [4-46-401](#),
2611 appointed by the director of the Division of Conservation.

2612 (2) (a) As particular issues require, the coordinating committee may, by majority vote
2613 of the members present, appoint additional temporary members to serve as ex officio voting
2614 members.

2615 (b) Those ex officio members may discuss and vote on the issue or issues for which
2616 they were appointed.

2617 (3) A chair shall be selected by a vote of 14 committee members with the concurrence
2618 of the executive director.

2619 (4) A member may not receive compensation or benefits for the member's service, but
2620 may receive per diem and travel expenses in accordance with:

2621 (a) Sections [63A-3-106](#) and [63A-3-107](#); and

2622 (b) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
2623 [63A-3-107](#).

2624 Section 77. Section **67-1-8.1** is amended to read:

2625 **67-1-8.1. Executive Residence Commission -- Recommendations as to use,**
2626 **maintenance, and operation of executive residence.**

2627 (1) The Legislature finds and declares that:

2628 (a) the state property known as the Thomas Kearns Mansion is a recognized state
2629 landmark possessing historical and architectural qualities that should be preserved; and

2630 (b) the Thomas Kearns Mansion was the first building listed on the National Register
2631 of Historic Places in the state.

- 2632 (2) As used in this section:
- 2633 (a) "Executive residence" includes the:
- 2634 (i) Thomas Kearns Mansion;
- 2635 (ii) Carriage House building; and
- 2636 (iii) grounds and landscaping surrounding the Thomas Kearns Mansion and the
- 2637 Carriage House building.
- 2638 (b) "Commission" means the Executive Residence Commission established in this
- 2639 section.
- 2640 (3) (a) An Executive Residence Commission is established to make recommendations
- 2641 to the Division of Facilities Construction and Management for the use, operation, maintenance,
- 2642 repair, rehabilitation, alteration, restoration, placement of art and monuments, or adoptive use
- 2643 of the executive residence.
- 2644 (b) The commission shall meet at least once a year and make any recommendations to
- 2645 the Division of Facilities Construction and Management prior to August 1 of each year.
- 2646 (4) The commission shall consist of nine voting members and one ex officio,
- 2647 nonvoting member representing the Governor's Mansion Foundation. The membership shall
- 2648 consist of:
- 2649 (a) three private citizens appointed by the governor, who have demonstrated an interest
- 2650 in historical preservation;
- 2651 (b) three additional private citizens appointed by the governor with the following
- 2652 background:
- 2653 (i) an interior design professional with a background in historic spaces;
- 2654 (ii) an architect with a background in historic preservation and restoration
- 2655 recommended by the Utah chapter of the American Institute of Architects; and
- 2656 (iii) a landscape architect with a background and knowledge of historic properties
- 2657 recommended by the Utah chapter of the American Society of Landscape Architects;
- 2658 (c) the director, or director's designee, of the Division of Art and Museums;
- 2659 (d) the director, or director's designee, of the [~~Division of State History~~] Utah
- 2660 Historical Society; and
- 2661 (e) the executive director, or executive director's designee, of the Department of
- 2662 Government Operations.

2663 (5) (a) Except as required by Subsection (5)(b), as terms of current commission
2664 members expire, the governor shall appoint each new member or reappointed member to a
2665 four-year term ending on March 1.

2666 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the
2667 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
2668 commission members are staggered so that approximately half of the commission is appointed
2669 every two years.

2670 (6) (a) The governor shall appoint a chair from among the membership of the
2671 commission.

2672 (b) Six members of the commission shall constitute a quorum, and either the chair or
2673 two other members of the commission may call meetings of the commission.

2674 (7) When a vacancy occurs in the membership for any reason, the replacement shall be
2675 appointed for the unexpired term.

2676 (8) A member may not receive compensation or benefits for the member's service, but
2677 may receive per diem and travel expenses in accordance with:

2678 (a) Section [63A-3-106](#);

2679 (b) Section [63A-3-107](#); and

2680 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
2681 [63A-3-107](#).

2682 (9) The Division of Facilities Construction and Management shall provide the
2683 administrative support to the commission.

2684 Section 78. Section **76-9-704** is amended to read:

2685 **76-9-704. Abuse or desecration of a dead human body -- Penalties.**

2686 (1) For purposes of this section, "dead human body" includes any part of a human body
2687 in any stage of decomposition, including ancient human remains as defined in Section
2688 [~~9-8-302~~] [9-8a-302](#).

2689 (2) A person is guilty of abuse or desecration of a dead human body if the person
2690 intentionally and unlawfully:

2691 (a) fails to report the finding of a dead human body to a local law enforcement agency;

2692 (b) disturbs, moves, removes, conceals, or destroys a dead human body or any part of
2693 it;

2694 (c) disinters a buried or otherwise interred dead human body, without authority of a
2695 court order;

2696 (d) dismembers a dead human body to any extent, or damages or detaches any part or
2697 portion of a dead human body; or

2698 (e) (i) commits or attempts to commit upon any dead human body any act of sexual
2699 penetration, regardless of the sex of the actor and of the dead human body; and

2700 (ii) as used in Subsection (2)(e)(i), "sexual penetration" means penetration, however
2701 slight, of the genital or anal opening by any object, substance, instrument, or device, including
2702 a part of the human body, or penetration involving the genitals of the actor and the mouth of
2703 the dead human body.

2704 (3) A person does not violate this section if when that person directs or carries out
2705 procedures regarding a dead human body, that person complies with:

2706 (a) ~~[Title 9, Chapter 8, Part 3, Antiquities]~~ Title 9, Chapter 8a, Part 3, Antiquities;

2707 (b) Title 26, Chapter 4, Utah Medical Examiner Act;

2708 (c) Title 26, Chapter 28, Revised Uniform Anatomical Gift Act;

2709 (d) Title 53B, Chapter 17, Part 3, Use of Dead Bodies for Medical Purposes;

2710 (e) Title 58, Chapter 9, Funeral Services Licensing Act; or

2711 (f) Title 58, Chapter 67, Utah Medical Practice Act, which concerns licensing to
2712 practice medicine.

2713 (4) (a) Failure to report the finding of a dead human body as required under Subsection
2714 (2)(a) is a class B misdemeanor.

2715 (b) Abuse or desecration of a dead human body as described in Subsections (2)(b)
2716 through (e) is a third degree felony.

2717 Section 79. **Repealer.**

2718 This bill repeals:

2719 Section 9-7-209, **Depository libraries.**

2720 Section 9-7-210, **Micrographics and other copying and transmission techniques.**

2721 Section 9-8-501, **Short title.**

2722 Section 9-24-103, **Main Street Program Advisory Committee -- Membership --**
2723 **Duties.**

2724 Section 80. **Effective date.**

2725 This bill takes effect on July 1, 2023, with the exception of Section 63N-10-202 which
2726 takes effect on May 3, 2023.