

Representative Robert M. Spendlove proposes the following substitute bill:

CULTURAL AND COMMUNITY ENGAGEMENT AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Robert M. Spendlove

Senate Sponsor: Daniel McCay

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ clarifies the duties of the department's State Library Division;
- ▶ requires certain agencies to provide information to the State Library Division for retention in the digital library;
- ▶ repeals the State Library Division's depository library program;
- ▶ modifies requirements related to public library Internet safety;
- ▶ renames the Division of State History within the department as the Utah Historical Society;
- ▶ repeals the Board of State History's duties in relation to the State Historic Preservation Office;
- ▶ establishes the Museum of Utah within the Utah Historical Society to promote Utah's history and culture;
- ▶ transfers certain department functions related to antiquities and historical



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

34 **Money Appropriated in this Bill:**

35 None

36 **Other Special Clauses:**

37 This bill provides a special effective date.

38 This bill provides a coordination clause.

39 **Utah Code Sections Affected:**

40 AMENDS:

- 41 **9-7-101**, as last amended by Laws of Utah 2019, Chapter 221
- 42 **9-7-201**, as renumbered and amended by Laws of Utah 1992, Chapter 241
- 43 **9-7-203**, as last amended by Laws of Utah 2017, Chapter 48
- 44 **9-7-205**, as last amended by Laws of Utah 2017, Chapter 48
- 45 **9-7-207**, as last amended by Laws of Utah 2006, Chapter 81
- 46 **9-7-208**, as repealed and reenacted by Laws of Utah 2006, Chapter 81
- 47 **9-7-213**, as last amended by Laws of Utah 2010, Chapter 378
- 48 **9-7-215**, as last amended by Laws of Utah 2017, Chapter 208
- 49 **9-8-102**, as last amended by Laws of Utah 2019, Chapter 221
- 50 **9-8-201**, as renumbered and amended by Laws of Utah 1992, Chapter 241
- 51 **9-8-202**, as last amended by Laws of Utah 2019, Chapter 221
- 52 **9-8-203**, as last amended by Laws of Utah 2018, Chapter 63
- 53 **9-8-204**, as last amended by Laws of Utah 2022, Chapter 369
- 54 **9-8-205**, as last amended by Laws of Utah 2022, Chapter 369
- 55 **9-8-206**, as last amended by Laws of Utah 2019, Chapter 221
- 56 **9-8-207**, as last amended by Laws of Utah 2018, Chapter 260

57 [9-8-701](#), as last amended by Laws of Utah 2014, Chapter 166
58 [9-8-704](#), as last amended by Laws of Utah 2014, Chapter 166
59 [9-8-705](#), as last amended by Laws of Utah 2014, Chapter 166
60 [9-8-707](#), as last amended by Laws of Utah 2014, Chapter 166
61 [9-8-708](#), as last amended by Laws of Utah 2014, Chapter 166
62 [9-9-402](#), as last amended by Laws of Utah 2019, Chapter 79
63 [9-9-403](#), as last amended by Laws of Utah 2008, Chapter 114
64 [9-9-405](#), as last amended by Laws of Utah 2019, Chapter 79
65 [9-9-407](#), as last amended by Laws of Utah 2019, Chapter 79
66 [9-9-408](#), as last amended by Laws of Utah 2021, Chapter 280
67 [9-21-301](#), as enacted by Laws of Utah 2019, Chapter 221
68 [9-21-302](#), as enacted by Laws of Utah 2019, Chapter 221
69 [9-22-103](#), as last amended by Laws of Utah 2020, Chapter 365
70 [9-23-304](#), as renumbered and amended by Laws of Utah 2022, Chapter 362
71 [9-24-101](#), as renumbered and amended by Laws of Utah 2022, Chapter 362
72 [9-24-102](#), as renumbered and amended by Laws of Utah 2022, Chapter 362
73 [10-9a-534](#), as enacted by Laws of Utah 2021, First Special Session, Chapter 3
74 [15A-2-103](#), as last amended by Laws of Utah 2021, Chapter 199
75 [17-27a-530](#), as enacted by Laws of Utah 2021, First Special Session, Chapter 3
76 [17C-2-103](#), as last amended by Laws of Utah 2019, Chapter 376
77 [17C-2-104](#), as last amended by Laws of Utah 2006, Chapter 292 and renumbered and
78 amended by Laws of Utah 2006, Chapter 359
79 [17C-3-103](#), as last amended by Laws of Utah 2016, Chapter 350
80 [17C-3-104](#), as enacted by Laws of Utah 2006, Chapter 359
81 [17C-5-105](#), as last amended by Laws of Utah 2019, Chapter 376
82 [17C-5-106](#), as enacted by Laws of Utah 2016, Chapter 350
83 [53B-17-603](#), as last amended by Laws of Utah 2008, Chapter 382
84 [53B-18-1002](#), as last amended by Laws of Utah 2021, Chapter 184
85 [59-7-609](#), as enacted by Laws of Utah 1995, Chapter 42
86 [59-10-1006](#), as renumbered and amended by Laws of Utah 2006, Chapter 223
87 [63A-12-112](#), as enacted by Laws of Utah 2019, Chapter 254

88 **63C-9-301**, as last amended by Laws of Utah 2021, Chapters 382, 405

89 **63C-9-601**, as last amended by Laws of Utah 2020, Chapter 419

90 **63L-11-202**, as last amended by Laws of Utah 2021, Chapter 345 and renumbered and
91 amended by Laws of Utah 2021, Chapter 382

92 **63L-11-402**, as last amended by Laws of Utah 2022, Chapter 68

93 **67-1-8.1**, as last amended by Laws of Utah 2021, Chapters 209, 344

94 **76-9-704**, as last amended by Laws of Utah 2007, Chapters 60, 231

95 ENACTS:

96 **9-8-209**, Utah Code Annotated 1953

97 RENUMBERS AND AMENDS:

98 **9-8a-101**, (Renumbered from 9-8-901, as enacted by Laws of Utah 2022, Chapter 369)

99 **9-8a-201**, (Renumbered from 9-8-902, as enacted by Laws of Utah 2022, Chapter 369)

100 **9-8a-202**, (Renumbered from 9-8-903, as enacted by Laws of Utah 2022, Chapter 369)

101 **9-8a-203**, (Renumbered from 9-8-904, as enacted by Laws of Utah 2022, Chapter 369)

102 **9-8a-204**, (Renumbered from 9-8-905, as enacted by Laws of Utah 2022, Chapter 369)

103 **9-8a-205**, (Renumbered from 9-8-208, as enacted by Laws of Utah 2020, Chapter 179)

104 **9-8a-301**, (Renumbered from 9-8-301, as last amended by Laws of Utah 2014, Chapter
105 189)

106 **9-8a-302**, (Renumbered from 9-8-302, as last amended by Laws of Utah 2016, Chapter
107 348)

108 **9-8a-304**, (Renumbered from 9-8-304, as last amended by Laws of Utah 2007, Chapter
109 231)

110 **9-8a-305**, (Renumbered from 9-8-305, as last amended by Laws of Utah 2020, Chapter
111 154)

112 **9-8a-306**, (Renumbered from 9-8-306, as last amended by Laws of Utah 1995, Chapter
113 170)

114 **9-8a-307**, (Renumbered from 9-8-307, as last amended by Laws of Utah 2014, Chapter
115 189)

116 **9-8a-308**, (Renumbered from 9-8-308, as renumbered and amended by Laws of Utah
117 1992, Chapter 241)

118 **9-8a-309**, (Renumbered from 9-8-309, as last amended by Laws of Utah 2008, Chapter

119 382)
 120 **9-8a-401**, (Renumbered from 9-8-401, as renumbered and amended by Laws of Utah
 121 1992, Chapters 241, 286)
 122 **9-8a-402**, (Renumbered from 9-8-402, as last amended by Laws of Utah 2019, Chapter
 123 221)
 124 **9-8a-403**, (Renumbered from 9-8-403, as renumbered and amended by Laws of Utah
 125 1992, Chapter 241)
 126 **9-8a-404**, (Renumbered from 9-8-404, as last amended by Laws of Utah 2020, Chapter
 127 34)
 128 **9-8a-405**, (Renumbered from 9-8-405, as last amended by Laws of Utah 2014, Chapter
 129 189)
 130 **9-8a-502**, (Renumbered from 9-8-502, as renumbered and amended by Laws of Utah
 131 1992, Chapter 241)
 132 **9-8a-503**, (Renumbered from 9-8-503, as renumbered and amended by Laws of Utah
 133 1992, Chapter 241)
 134 **9-8a-504**, (Renumbered from 9-8-504, as renumbered and amended by Laws of Utah
 135 1992, Chapter 241)
 136 **9-8a-505**, (Renumbered from 9-8-505, as renumbered and amended by Laws of Utah
 137 1992, Chapter 241)
 138 **9-8a-506**, (Renumbered from 9-8-506, as renumbered and amended by Laws of Utah
 139 1992, Chapter 241)
 140 **9-23-203**, (Renumbered from 63N-10-202, as renumbered and amended by Laws of
 141 Utah 2015, Chapter 283)

142 REPEALS:

143 **9-7-209**, as last amended by Laws of Utah 2006, Chapter 81
 144 **9-7-210**, as last amended by Laws of Utah 1995, Chapter 32
 145 **9-8-501**, as renumbered and amended by Laws of Utah 1992, Chapter 241
 146 **9-24-103**, as renumbered and amended by Laws of Utah 2022, Chapter 362



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

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

150 **9-7-101. Definitions.**

151 As used in this chapter:

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

153 (2) "Digital library" means the web-accessible digital library of state publications

154 created under Section 9-7-208.

155 ~~[(2)]~~ (3) "Division" means the State Library Division.

156 (4) "Legislative publication" means:

157 (a) the Utah Code;

158 (b) the Laws of Utah; and

159 (c) a biennial version of the Utah Constitution after amendments that passed during the

160 regular general election are incorporated into the Utah Constitution.

161 ~~[(3)]~~ (5) "Library board" means the library board of directors appointed locally as
162 authorized by Section 9-7-402 or 9-7-502 and which exercises general policy authority for
163 library services within a city or county of the state, regardless of the title by which the board is
164 known locally.

165 ~~[(4)]~~ (6) "Physical format" means a transportable medium in which analog or digital
166 information is published, such as print, microform, magnetic disk, or optical disk.

167 ~~[(5)]~~ (7) "Policy" means the public library online access policy adopted by a library
168 board to meet the requirements of Section 9-7-215.

169 ~~[(6)]~~ (8) "Political subdivision" means a county, city, town, school district, public
170 transit district, redevelopment agency, or special improvement or taxing district.

171 ~~[(7)]~~ (9) (a) "State agency" means:

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

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

175 (b) "State agency" does not include:

176 (i) the Office of Legislative Research and General Counsel;

177 (ii) a political subdivision; or

178 (iii) a state institution of higher education.

179 (10) "State institution of higher education" means an institution described in Section

180 53B-2-101 or any other university or college that is established and maintained by the state.

181 ~~[(8)]~~ (11) (a) "State publication" means ~~[a book, compilation, directory, document,~~
 182 ~~contract or grant report, hearing memorandum, journal, law, legislative bill, magazine, map,~~
 183 ~~monograph, order, ordinance, pamphlet, periodical, proceeding, public memorandum,~~
 184 ~~resolution, register, rule, report, statute, audiovisual material, electronic publication,~~
 185 ~~micrographic form and tape or disc recording regardless of format or method of reproduction,]~~
 186 any information issued or published by a state agency ~~[or political subdivision]~~ for distribution.

187 (b) "State publication" includes a book, compilation, directory, map, fact sheet,
 188 newsletter, brochure, bulletin, journal, magazine, pamphlet, periodical, report, and electronic
 189 publication.

190 ~~[(b)]~~ (c) "State publication" does not include ~~[correspondence, internal confidential~~
 191 ~~publications, office memoranda, university press publications, or publications of the state~~
 192 ~~historical society]~~ public information, as that term is defined in Section [63A-16-601](#).

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

194 **9-7-201. State Library Division -- Creation -- Purpose.**

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

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

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

203 (a) general library services;

204 (b) mobile library services;

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

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

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

208 **9-7-203. Division duties.**

209 ~~[The]~~ Subject to the requirements of this part, the division shall:

210 (1) establish, operate, and maintain:

211 (a) a state publications collection[;];

212 **(b)** a digital library of state publications~~[;]~~; and
213 **(c)** a bibliographic control system~~[, and depositories as provided in this part];~~
214 (2) cooperate with:
215 (a) other state agencies to facilitate public access to government information through
216 electronic networks or other means;
217 (b) other state or national libraries or library agencies; and
218 (c) the federal government or agencies in accepting federal aid whether in the form of
219 funds or otherwise;
220 (3) receive bequests, gifts, and endowments of money and deposit the funds with the
221 state treasurer to be placed in the State Library Donation Fund, which funds shall be held for
222 the purpose, if any, specifically directed by the donor; and
223 (4) receive bequests, gifts, and endowments of property to be held, used, or disposed
224 of, as directed by the donor~~[;]~~;
225 **(a) in accordance with the division's policies for collection development; and**
226 **(b) with the approval of the Division of Finance.**
227 Section 4. Section **9-7-205** is amended to read:
228 **9-7-205. Duties of board and director.**
229 (1) The board shall:
230 (a) promote, develop, and organize a state library and make provisions for ~~[its]~~ the state
231 library's housing;
232 (b) promote and develop library services throughout the state in cooperation with other
233 state or municipal libraries, schools, or other agencies wherever practical;
234 (c) promote the establishment of district, regional, or multicounty libraries as
235 conditions within particular areas of the state may require;
236 (d) supervise the books and materials of the state library and require the keeping of
237 careful and complete records of the condition and affairs of the state library;
238 (e) establish policies for the administration of the division and for the control,
239 distribution, and lending of books and materials to those libraries, institutions, groups, or
240 individuals entitled to them under this chapter;
241 (f) serve as the agency of the state for the administration of state or federal funds that
242 may be appropriated to further library development within the state;

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

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

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

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

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

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

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

264 (n) develop standards for public libraries.

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

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

268 **9-7-207. Deposit of state publications and legislative publications.**

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

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

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

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

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

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

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

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

290 (1) (a) A state agency shall submit to the division a digital copy of each state
291 publication the state agency makes available to the public regardless of format for
292 bibliographic listing and permanent retention in the digital library.

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

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

300 (2) (a) In addition to the requirements of Subsection (1), a state agency that elects to
301 publish a state publication in a physical format shall submit copies of the state publication to
302 the division in the numbers specified by the state librarian.

303 (b) The division shall:

304 (i) forward one copy of each state publication described in Subsection (2)(a) to the

305 state archivist; and

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

308 (3) The Office of Legislative Research and General Counsel shall submit to the
309 division a digital copy of each legislative publication the Office of Legislative Research and
310 General Counsel makes available to the public for permanent retention in the digital library.

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

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

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

318 **9-7-208. Digital library for permanent public access.**

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

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

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

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

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

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

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

332 **9-7-213. Rulemaking.**

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

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

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

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

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

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

343 **9-7-215. Internet and online access policy required.**

344 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

370 [~~(F)~~ child pornography, or]

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

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

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

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

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

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

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

382 **9-8-102. Definitions.**

383 As used in this chapter:

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

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

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

388 [~~(4)~~ (3) "Documentary materials" means written or documentary information
389 contained in published materials, manuscript collections, archival materials, photographs,
390 sound recordings, motion pictures, and other written, visual, and aural materials, except
391 government records.

392 [~~(5)~~ (4) "Historical artifacts" means objects produced or shaped by human efforts, a
393 natural object deliberately selected and used by a human, an object of aesthetic interest, and
394 any human-made objects produced, used, or valued by the historic peoples of Utah.

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

396 (6) "Society" means the Utah [~~State~~] Historical Society created in Section [~~9-8-207~~]
397 9-8-201.

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

399 **Part 2. Utah Historical Society**

400 **9-8-201. Utah Historical Society -- Creation -- Purpose.**

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

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

405 ~~[(3)]~~ (2) The division, with the advisement of the board, shall be the authority of the
406 state for state history and shall perform those duties set forth in statute.

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

408 **9-8-202. Appointment of director.**

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

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

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

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

415 **9-8-203. Society duties.**

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

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

419 (b) maintain a specialized history library;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

486 (A) municipal cemeteries;

487 (B) cemetery maintenance districts;

488 (C) endowment care cemeteries;

489 (D) private nonprofit cemeteries;

490 (E) genealogical associations; and

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

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

500 **9-8-204. Board of State History.**

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

522 63G, Chapter 24, Part 3, Conflicts of Interest.

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

524 **9-8-205. Board duties and powers.**

525 (1) The board shall:

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

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

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

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

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

533 ~~9-8-203(3)(c)(ii); and]~~

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

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

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

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

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

542 **9-8-206. Historical magazine, books, documents, and microfilms -- Proceeds.**

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

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

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

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

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

552 **9-8-207. Donations -- Accounting.**

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

554 ~~[(b)]~~

555 (1) The society may:

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

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

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

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

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

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

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

574 **9-8-209. Museum of Utah -- Creation -- Duties.**

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

577 (2) The Museum of Utah shall:

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

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

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

583 (d) stimulate research, study, and activity in the field of Utah history, museum studies,

584 and related fields of study;

585 (e) exhibit collections to the public on a regular schedule;

586 (f) facilitate strategic partnerships to advance the development of museums, historical
587 organizations, and other cultural organizations in the state; and

588 (g) establish and coordinate best practices among museum professionals and volunteers
589 in the state.

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

591 **9-8-701. Definitions.**

592 As used in this part:

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

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

595 [~~(3)~~] (1) "Endowment fund" means any history endowment fund created under this part
596 by a qualifying organization.

597 [~~(4)~~] (2) "Qualifying organization" means any Utah nonprofit history organization or
598 local government that qualifies under this chapter to create an endowment fund, receive state
599 money into the endowment fund, match state money deposited into the endowment fund, and
600 expend interest earned on the endowment fund.

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

602 **9-8-704. Society duties.**

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

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

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

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

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

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

614 (6) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

615 make rules establishing criteria for determining the eligibility of qualifying organizations to
616 receive money from funds made available for that purpose.

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

618 **9-8-705. Eligibility requirements of qualifying history organizations -- Allocation**
619 **limitations -- Matching requirements.**

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

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

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

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

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

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

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

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

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

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

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

645 (5) (a) Qualifying organizations shall raise the matching amount by a date determined

646 by the board.

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

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

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

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

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

658 **9-8-707. Spending restrictions -- Return of endowment.**

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

661 (a) may not expend the money or the required matching money in the endowment fund;

662 and

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

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

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

668 **9-8-708. Federal match.**

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

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

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

675 **Part 1. General Provisions**

676 [~~9-8-901~~]. **9-8a-101. Definitions.**

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

678 (1) "Board" means the Board of State History created in Section 9-8-204.

679 (2) "Committee" means the National Register Review Committee created in Section
680 ~~[9-8-905]~~ 9-8a-204.

681 (3) "Office" means the State Historic Preservation Office created in Section ~~[9-8-902]~~
682 9-8a-201.

683 (4) "Officer" means the state historic preservation officer, appointed in accordance
684 with Section ~~[9-8-903]~~ 9-8a-202.

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

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

688 ~~[9-8-902]~~. **9-8a-201. State Historic Preservation Office -- Creation -- Purpose.**

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

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

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

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

697 ~~[9-8-903]~~. **9-8a-202. Appointment of state historic preservation officer.**

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

700 (2) The officer shall administer:

701 (a) the office; and

702 (b) the state historic preservation program.

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

705 ~~[9-8-904]~~. **9-8a-203. Office duties.**

706 The office shall:

707 (1) secure, for the present and future benefit of the state, the protection of

- 708 archaeological resources and sites which are on state lands;
- 709 (2) foster increased cooperation and exchange of information between state authorities,
710 the professional archaeological community, and private individuals;
- 711 (3) in cooperation with federal and state agencies, local governments, private
712 organizations, and private individuals, direct and conduct a comprehensive statewide survey of
713 historic properties;
- 714 (4) maintain an inventory of the properties described in Subsection (3);
- 715 (5) identify and nominate eligible property to the National Register of Historic Places;
- 716 (6) administer applications for listing historic property on the National Register of
717 Historic Places;
- 718 (7) prepare and implement a comprehensive statewide historic preservation plan;
- 719 (8) administer the state program of federal assistance for historic preservation within
720 the state;
- 721 (9) advise and assist, as appropriate, state agencies, federal agencies, and local
722 governments in carrying out their historic preservation responsibilities;
- 723 (10) cooperate with federal agencies, state agencies, local agencies, private
724 organizations, and individuals to ensure that historic property is taken into consideration at all
725 levels of planning and development;
- 726 (11) provide, with respect to historic preservation:
- 727 (a) public information;
- 728 (b) education;
- 729 (c) training; and
- 730 (d) technical assistance;
- 731 (12) cooperate with local governments in the development of local historic
732 preservation programs;
- 733 (13) consult with appropriate federal agencies with respect to:
- 734 (a) federal undertakings that may affect historic properties; and
- 735 (b) advising and assisting in the evaluation of proposals for rehabilitation projects that
736 may qualify for federal assistance;
- 737 (14) perform other duties as designated under 54 U.S.C. Sec. 302303; and
- 738 (15) perform other duties as designated by the department and by statute.

739 Section 27. Section **9-8a-204**, which is renumbered from Section 9-8-905 is
740 renumbered and amended to read:

741 ~~[9-8-905]~~. **9-8a-204. National Register Review Committee.**

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

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

745 (a) history;

746 (b) prehistoric and historic archaeology;

747 (c) architectural history;

748 (d) architecture;

749 (e) folklore;

750 (f) cultural anthropology;

751 (g) museology, curation, or conservation;

752 (h) landscape architecture; or

753 (i) planning.

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

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

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

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

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

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

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

769 (b) A member whose term has expired may continue to serve until a replacement is

770 appointed.

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

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

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

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

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

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

778 (14) The committee shall:

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

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

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

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

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

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

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

793 ~~[9-8-208]~~. **9-8a-205. Cultural Site Stewardship Program -- Definitions --**
794 **Creation -- Objectives -- Administration -- Activities.**

795 (1) As used in this section:

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

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

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

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

801 (b) "Stewardship program" means the Cultural Site Stewardship Program created in
802 this section.

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

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

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

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

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

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

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

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

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

821 (4) The ~~[division]~~ office shall:

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

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

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

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

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

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

832 (c) schedule periodic monitoring activities by volunteers of each cultural site included
833 on the list described in Subsection (6)(b), after obtaining approval of the landowner or
834 manager;

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

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

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

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

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

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

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

851 **Part 3. Antiquities**

852 ~~[9-8-301]~~. **9-8a-301. Purpose.**

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

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

862 (b) The Legislature finds that the preservation, placement in a repository, curation, and

863 exhibition of specimens found on school or institutional trust lands for scientific and
864 educational purposes is consistent with the school and institutional land grants.

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

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

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

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

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

883 ~~[9-8-302].~~ **9-8a-302. Definitions.**

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

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

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

889 (a) a physical individual; and

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

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

894 (4) "Archaeological resources" means all material remains and their associations,
895 recoverable or discoverable through excavation or survey, that provide information pertaining
896 to the historic or prehistoric peoples of the state.

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

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

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

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

906 ~~[(9)]~~ (8) "Excavate" means the recovery of archaeological resources.

907 ~~[(10)]~~ (9) "Historic property" means any prehistoric or historic district, site, building,
908 structure, or specimen included in, or eligible for inclusion in, the National Register of Historic
909 Places or the State Register.

910 ~~[(11)]~~ (10) "Indian tribe" means a tribe, band, nation, or other organized group or
911 community of Indians that is recognized as eligible for the special programs and services
912 provided by the United States to Indians because of their status as Indians.

913 ~~[(12)]~~ (11) "Museum" means the Utah Museum of Natural History.

914 ~~[(13)]~~ (12) (a) "Nonfederal land" means land in the state that is not owned, controlled,
915 or held in trust by the federal government.

916 (b) "Nonfederal land" includes:

917 (i) land owned or controlled by:

918 (A) the state;

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

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

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

923 (ii) school and institutional trust lands.

924 ~~[(14)]~~ (13) "Principal investigator" means the individual with overall administrative

925 responsibility for the survey or excavation project authorized by the permit.

926 ~~[(15)]~~ (14) "Repository" means the same as that term is defined in Section 53B-17-603.

927 ~~[(16)]~~ (15) "School and institutional trust lands" are those properties defined in Section
928 53C-1-103.

929 ~~[(17)]~~ (16) "Site" means any petroglyphs, pictographs, structural remains, or
930 geographic location that is the source of archaeological resources or specimens.

931 ~~[(18)]~~ (17) "Specimen" means all man-made artifacts and remains of an archaeological
932 or anthropological nature found on or below the surface of the earth, excluding structural
933 remains.

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

936 ~~[(20)]~~ (18) (a) "State land" means land owned by the state including the state's:

937 (i) legislative and judicial branches;

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

939 and

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

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

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

943 (ii) land owned by a school district;

944 (iii) private land; or

945 (iv) school and institutional trust lands.

946 ~~[(21)]~~ (19) "Survey" means a surface investigation for archaeological resources that
947 may include:

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

949 (b) limited subsurface testing that disturbs no more of a site than is necessary to

950 determine the nature and extent of the archaeological resources or whether the site is a historic
951 property.

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

954 ~~[9-8-304].~~ **9-8a-304. Antiquities Section created -- Duties.**

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

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

979 Section 32. Section **9-8a-305**, which is renumbered from Section 9-8-305 is

980 renumbered and amended to read:

981 ~~[9-8-305].~~ **9-8a-305. Permit required to survey or excavate on state lands --**

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

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

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

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

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

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

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

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

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

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

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

1001 (ii) except as provided in Subsection (2)(b), possess a graduate degree in anthropology,
1002 archaeology, or history;

1003 (iii) have one year of full-time professional experience or equivalent specialized
1004 training in archaeological research, administration, or management; and

1005 (iv) have one year of supervised field and analytical experience in Utah prehistoric or
1006 historic archaeology.

1007 (b) In lieu of the graduate degree required by Subsection (2)(a)(ii), a principal
1008 investigator may submit evidence of training and experience equivalent to a graduate degree.

1009 (c) Unless the permit is revoked or suspended, a survey permit is valid for the time
1010 period specified in the permit by the Public Lands Policy Coordinating Office, which may not
1011 exceed three years.

1012 (3) (a) Except as provided by Subsection (3)(c), to obtain an excavation permit, a
1013 principal investigator shall, in addition to complying with Subsection (2)(a), submit:

1014 (i) a research design to the Public Lands Policy Coordinating Office and the Antiquities
1015 Section that:

1016 (A) states the questions to be addressed;

1017 (B) states the reasons for conducting the work;

- 1018 (C) defines the methods to be used;
- 1019 (D) describes the analysis to be performed;
- 1020 (E) outlines the expected results and the plan for reporting;
- 1021 (F) evaluates expected contributions of the proposed work to archaeological or
1022 anthropological science; and
- 1023 (G) estimates the cost and the time of the work that the principal investigator believes
1024 is necessary to provide the maximum amount of historic, scientific, archaeological,
1025 anthropological, and educational information; and
- 1026 (ii) proof of permission from the landowner to enter the property for the purposes of
1027 the permit.
- 1028 (b) An excavation permit is valid for the amount of time specified in the permit, unless
1029 the permit is revoked according to Subsection (9).
- 1030 (c) The Public Lands Policy Coordinating Office may delegate to an agency the
1031 authority to issue excavation permits if the agency:
- 1032 (i) requests the delegation; and
- 1033 (ii) employs or has a long-term contract with a principal investigator with a valid
1034 survey permit.
- 1035 (d) The Public Lands Policy Coordinating Office shall conduct an independent review
1036 of the delegation authorized by Subsection (3)(c) every three years and may revoke the
1037 delegation at any time without cause.
- 1038 (4) The Public Lands Policy Coordinating Office shall:
- 1039 (a) grant a survey permit to a principal investigator who meets the requirements of this
1040 section; and
- 1041 (b) grant an excavation permit to a principal investigator after approving, in
1042 consultation with the Antiquities Section, the research design for the project.
- 1043 (5) By following the procedures and requirements of Title 63G, Chapter 3, Utah
1044 Administrative Rulemaking Act, the Public Lands Policy Coordinating Office shall, after
1045 consulting with the Antiquities Section, make rules to:
- 1046 (a) establish survey methodology;
- 1047 (b) standardize report and data preparation and submission;
- 1048 (c) require other permit application information that the Public Lands Policy

1049 Coordinating Office finds necessary, including proof of consultation with the appropriate
1050 Native American tribe;

1051 (d) establish what training and experience is equivalent to a graduate degree;

1052 (e) establish requirements for a person authorized by Subsection (1)(b) to assist the
1053 principal investigator;

1054 (f) establish requirements for a principal investigator's employer, if applicable; and

1055 (g) establish criteria that, if met, would allow the Public Lands Policy Coordinating
1056 Office to reinstate a suspended permit.

1057 (6) Each principal investigator shall submit a summary report of the work for each
1058 project to the Antiquities Section in a form prescribed by a rule established under Subsection
1059 (5)(b), which shall include copies of all:

1060 (a) site forms;

1061 (b) data;

1062 (c) maps;

1063 (d) drawings;

1064 (e) photographs; and

1065 (f) descriptions of specimens.

1066 (7) (a) Except as provided in Subsection (7)(c), a person may not remove from Utah
1067 any specimen, site, or portion of any site from lands owned or controlled by the state or its
1068 political subdivisions, other than school and institutional trust lands, without permission from
1069 the Antiquities Section, and prior consultation with the landowner and any other agencies
1070 managing other interests in the land.

1071 (b) Except as provided in Subsection (7)(c), a person may not remove from Utah any
1072 specimen, site, or portion of any site from school and institutional trust lands without
1073 permission from the School and Institutional Trust Lands Administration, granted after
1074 consultation with the Antiquities Section.

1075 (c) If a specimen, site, or portion of a site is placed in a repository or curation facility, a
1076 person may remove it by following the procedures established by the repository or curation
1077 facility.

1078 (8) (a) Collections recovered from school and institutional trust lands are owned by the
1079 respective trust.

1080 (b) Collections recovered from lands owned or controlled by the state or its
1081 subdivisions, other than school and institutional trust lands, are owned by the state.

1082 (c) Within a reasonable time after the completion of fieldwork, each permit holder
1083 shall deposit all collections at the museum, a curation facility, or a repository.

1084 (d) The repository or curation facility for collections from lands owned or controlled by
1085 the state or its subdivisions shall be designated according to the rules made under the authority
1086 of Section [53B-17-603](#).

1087 (9) (a) Upon complaint by an agency, the Public Lands Policy Coordinating Office
1088 shall investigate a principal investigator and the work conducted under a permit.

1089 (b) By following the procedures and requirements of Title 63G, Chapter 4,
1090 Administrative Procedures Act, the Public Lands Policy Coordinating Office may revoke or
1091 suspend a permit if the principal investigator fails to conduct a survey or excavation according
1092 to law, the rules enacted by the Public Lands Policy Coordinating Office, or permit provisions.

1093 (10) (a) Any person violating this section is guilty of a class B misdemeanor.

1094 (b) A person convicted of violating this section, or found to have violated the rules
1095 authorized by this section, shall, in addition to any other penalties imposed, forfeit all
1096 archaeological resources discovered by or through the person's efforts to the state or the
1097 respective trust.

1098 (11) The ~~[division]~~ office may enter into memoranda of agreement to issue project
1099 numbers or to retain other data for federal lands or Native American lands within the state.

1100 Section 33. Section **9-8a-306**, which is renumbered from Section 9-8-306 is
1101 renumbered and amended to read:

1102 ~~[9-8-306]~~. **9-8a-306. Archaeological or anthropological landmarks.**

1103 (1) Sites of significance may be recommended to and approved by the board as state
1104 archaeological or anthropological landmarks. No privately owned site or site on school or
1105 institutional trust lands may be so designated without the written consent of the owner.

1106 (2) A person may not excavate upon a privately owned designated landmark without a
1107 permit from the ~~[division]~~ office.

1108 (3) Before any alteration is commenced on a designated landmark, three months' notice
1109 of intent to alter the site shall be ~~[given to the division]~~ provided to the office.

1110 Section 34. Section **9-8a-307**, which is renumbered from Section 9-8-307 is

1111 renumbered and amended to read:

1112 ~~[9-8-307].~~ **9-8a-307. Report of discovery on state or private lands.**

1113 (1) Any person who discovers any archaeological resources on lands owned or
1114 controlled by the state or its subdivisions shall promptly report the discovery to the ~~[division]~~
1115 office.

1116 (2) Any person who discovers any archaeological resources on privately owned lands
1117 shall promptly report the discovery to the ~~[division]~~ office.

1118 (3) Field investigations shall be discouraged except in accordance with this part and
1119 Part 4, Historic Sites.

1120 (4) Nothing in this section may be construed to authorize any person to survey or
1121 excavate for archaeological resources.

1122 Section 35. Section ~~9-8a-308~~, which is renumbered from Section 9-8-308 is
1123 renumbered and amended to read:

1124 ~~[9-8-308].~~ **9-8a-308. Forgery or false labeling of specimens unlawful.**

1125 It is unlawful to reproduce, rework, or forge any specimen or make any object, whether
1126 copied or not, or falsely label, describe, identify, or offer for sale or exchange any object, with
1127 intent to represent it as an original and genuine specimen. No person may offer for sale or
1128 other exchange any object with knowledge that it was collected or excavated in violation of this
1129 part.

1130 Section 36. Section ~~9-8a-309~~, which is renumbered from Section 9-8-309 is
1131 renumbered and amended to read:

1132 ~~[9-8-309].~~ **9-8a-309. Ancient human remains on nonfederal lands that are not**
1133 **state lands.**

1134 (1) ~~[(a) After April 30, 2007, if]~~ If a person knows or has reason to know that the
1135 person discovered ancient human remains on nonfederal land that is not state land:

1136 ~~[(†)]~~ (a) the person shall:

1137 ~~[(A)]~~ (i) cease activity in the area of the discovery until activity may be resumed in
1138 accordance with Subsection ~~[(†)(d)]~~ (1)(e);

1139 ~~[(B)]~~ (ii) notify a local law enforcement agency in accordance with Section [76-9-704](#);

1140 and

1141 ~~[(C)]~~ (iii) notify the person who owns or controls the nonfederal land, if that person is

1142 different than the person who discovers the ancient human remains; and
1143 ~~[(ii)]~~ (b) the person who owns or controls the nonfederal land shall:
1144 ~~[(A)]~~ (i) require that activity in the area of the discovery cease until activity may be
1145 resumed in accordance with Subsection ~~[(1)(d)]~~ (1)(e); and
1146 ~~[(B)]~~ (ii) make a reasonable effort to protect the discovered ancient human remains
1147 before activity may be resumed in accordance with Subsection ~~[(1)(d)]~~ (1)(e).
1148 ~~[(b)]~~ (c) (i) If the local law enforcement agency believes after being notified under this
1149 Subsection (1) that a person may have discovered ancient human remains, the local law
1150 enforcement agency shall contact the Antiquities Section.
1151 (ii) The Antiquities Section shall:
1152 (A) within two business days of the day on which the Antiquities Section is notified by
1153 local law enforcement, notify the landowner that the Antiquities Section may excavate and
1154 retrieve the human remains with the landowner's permission; and
1155 (B) if the landowner gives the landowner's permission, excavate the human remains by
1156 no later than:
1157 (I) five business days from the day on which the Antiquities Section obtains the
1158 permission of the landowner under this Subsection (1); or
1159 (II) if extraordinary circumstances exist as provided in Subsection ~~[(1)(e)]~~ (1)(d),
1160 within the time period designated by the director not to exceed 30 days from the day on which
1161 the Antiquities Section obtains the permission of the landowner under this Subsection (1).
1162 ~~[(e)]~~ (d) (i) The director may grant the Antiquities Section an extension of time for
1163 excavation and retrieval of ancient human remains not to exceed 30 days from the day on
1164 which the Antiquities Section obtains the permission of the landowner under this Subsection
1165 (1), if the director determines that extraordinary circumstances exist on the basis of objective
1166 criteria such as:
1167 (A) the unusual scope of the ancient human remains;
1168 (B) the complexity or difficulty of excavation or retrieval of the ancient human
1169 remains; or
1170 (C) the landowner's concerns related to the excavation or retrieval of the ancient human
1171 remains.
1172 (ii) If the landowner objects to the time period designated by the director, the

1173 landowner may appeal the decision to the executive director of the department in writing.

1174 (iii) If the executive director receives an appeal from the landowner under this

1175 Subsection ~~[(1)(c)]~~ (1)(d), the executive director shall:

1176 (A) decide on the appeal within two business days; and

1177 (B) (I) uphold the decision of the director; or

1178 (II) designate a shorter time period than the director designated for the excavation and
1179 retrieval of the ancient human remains.

1180 (iv) An appeal under this Subsection ~~[(1)(c)]~~ (1)(d) may not be the cause for the delay
1181 of the excavation and retrieval of the ancient human remains.

1182 (v) A decision and appeal under this Subsection ~~[(1)(c)]~~ (1)(d) is exempt from Title
1183 63G, Chapter 4, Administrative Procedures Act.

1184 ~~[(1)(c)]~~ (e) A person that owns or controls nonfederal land that is not state land may
1185 engage in or permit others to engage in activities in the area of the discovery without violating
1186 this part or Section 76-9-704 if once notified of the discovery of ancient human remains on the
1187 nonfederal land, the person:

1188 (i) consents to the Antiquities Section excavating and retrieving the ancient human
1189 remains; and

1190 (ii) engages in or permits others to engage in activities in the area of the discovery only
1191 after:

1192 (A) the day on which the Antiquities Section removes the ancient human remains from
1193 the nonfederal land; or

1194 (B) the time period described in Subsection ~~[(1)(b)(ii)(B)]~~ (1)(c)(ii)(B).

1195 (2) A person that owns or controls nonfederal land that is not state land may not be
1196 required to pay any costs incurred by the state associated with the ancient human remains,
1197 including costs associated with the costs of the:

1198 (a) discovery of ancient human remains;

1199 (b) excavation or retrieval of ancient human remains; or

1200 (c) determination of ownership or disposition of ancient human remains.

1201 (3) For nonfederal land that is not state land, nothing in this section limits or prohibits
1202 the Antiquities Section and a person who owns or controls the nonfederal land from entering
1203 into an agreement addressing the ancient human remains that allows for different terms than

1204 those provided in this section.

1205 (4) The ownership and control of ancient human remains that are the ancient human
1206 remains of a Native American shall be determined in accordance with Chapter 9, Part 4, Native
1207 American Grave Protection and Repatriation Act:

1208 (a) if the ancient human remains are in possession of the state;

1209 (b) if the ancient human remains are not known to have been discovered on lands
1210 owned, controlled, or held in trust by the federal government; and

1211 (c) regardless of when the ancient human remains are discovered.

1212 (5) This section:

1213 (a) does not apply to ancient human remains that are subject to the provisions and
1214 procedures of:

1215 (i) federal law; or

1216 (ii) Part 4, Historic Sites; and

1217 (b) does not modify any property rights of a person that owns or controls nonfederal
1218 land except as to the ownership of the ancient human remains.

1219 (6) The ~~[division]~~ office, Antiquities Section, or Division of Indian Affairs may not
1220 make rules that impose any requirement on a person who discovers ancient human remains or
1221 who owns or controls nonfederal land that is not state land on which ancient human remains
1222 are discovered that is not expressly provided for in this section.

1223 Section 37. Section ~~9-8a-401~~, which is renumbered from Section 9-8-401 is
1224 renumbered and amended to read:

1225 **Part 4. Historic Sites**

1226 ~~[9-8-401]~~. **9-8a-401. Purpose.**

1227 The Legislature determines and declares that the public has a vital interest in all
1228 antiquities, historic and prehistoric ruins, and historic sites, buildings, and objects which, when
1229 neglected, desecrated, destroyed or diminished in aesthetic value, result in an irreplaceable loss
1230 to the people of this state.

1231 Section 38. Section ~~9-8a-402~~, which is renumbered from Section 9-8-402 is
1232 renumbered and amended to read:

1233 ~~[9-8-402]~~. **9-8a-402. Definitions -- Office duties.**

1234 (1) In addition to the definitions described in Section ~~[9-8-302]~~ 9-8a-302, as used in

1235 this part:

1236 (a) "Effect" means an alteration to one or more characteristics of a historic property
1237 that qualify the historic property for inclusion in, or that make the historic property eligible for
1238 inclusion in, the National Register of Historic Places.

1239 (b) "Historic property" means any historic or prehistoric district, site, building,
1240 structure, or object that is at least 50 years old and that is included in, or that is eligible for
1241 inclusion in, the National Register of Historic Places.

1242 (c) "State register" means a register of cultural sites and localities, historic and
1243 prehistoric sites, and districts, buildings, and objects significant in Utah history.

1244 (d) "Undertaking" means a project, activity, or program funded in whole or in part
1245 under the direct or indirect jurisdiction of a state agency, including a project, activity, or
1246 program:

1247 (i) carried out by or on behalf of a state agency;

1248 (ii) carried out with financial assistance from the state; or

1249 (iii) that requires a state permit, license, or approval.

1250 (2) The ~~[division]~~ office shall:

1251 (a) constitute the historic preservation agency for this state;

1252 (b) establish a state register for the orderly identification and recognition of the state's
1253 cultural resources; and

1254 (c) provide for participation in the National Historic Preservation Program.

1255 Section 39. Section ~~9-8a-403~~, which is renumbered from Section 9-8-403 is
1256 renumbered and amended to read:

1257 ~~[9-8-403]~~. **9-8a-403. Placement on State or National Register.**

1258 The board shall notify owners of sites, buildings, structures, or objects before placing
1259 those sites, buildings, structures, or objects on the State Register or nominating them to the
1260 National Register.

1261 Section 40. Section ~~9-8a-404~~, which is renumbered from Section 9-8-404 is
1262 renumbered and amended to read:

1263 ~~[9-8-404]~~. **9-8a-404. Agency responsibilities -- State historic preservation**
1264 **officer to comment on undertaking -- Public Lands Policy Coordinating Office may**
1265 **require joint analysis.**

- 1266 (1) (a) Before approving any undertaking, an agency shall:
- 1267 (i) take into account the effect of the undertaking on any historic property; and
- 1268 (ii) provide the state historic preservation officer with a written evaluation of the
- 1269 undertaking's effect on any historic property.
- 1270 (b) The state historic preservation officer shall provide to the agency a written
- 1271 comment on the agency's determination of effect within 30 days after the day on which the state
- 1272 historic preservation officer receives a written evaluation described in Subsection (1)(a)(ii).
- 1273 (c) If the written evaluation described in Subsection (1)(a)(ii) demonstrates that there is
- 1274 an adverse effect to a historic property, the agency shall enter into a formal written agreement
- 1275 with the state historic preservation officer describing how each adverse effect will be mitigated
- 1276 before the agency may expend state funds or provide financial assistance for the undertaking.
- 1277 (d) The state historic preservation officer shall make available to the Public Lands
- 1278 Policy Coordinating Office a list of undertakings on which an agency or federal agency has
- 1279 requested the state historic preservation officer's or the Antiquities Section's advice or
- 1280 consultation.
- 1281 (e) The Public Lands Policy Coordinating Office may request the joint analysis
- 1282 described in Subsections (2)(c) and (d) of any proposed undertaking on which the state historic
- 1283 preservation officer or Antiquities Section is providing advice or consultation.
- 1284 (2) (a) If the state historic preservation officer does not concur with the agency's
- 1285 written evaluation required by Subsection (1)(a)(ii), the state historic preservation officer shall
- 1286 inform the Public Lands Policy Coordinating Office of any objections.
- 1287 (b) The Public Lands Policy Coordinating Office shall review the state historic
- 1288 preservation officer's objections and determine whether or not to initiate the joint analysis
- 1289 established in Subsections (2)(c) and (d) within 30 days after the day on which the state historic
- 1290 preservation officer informs the Public Lands Policy Coordinating Office of the objections.
- 1291 (c) If the Public Lands Policy Coordinating Office determines further analysis is
- 1292 necessary, the Public Lands Policy Coordinating Office shall, jointly with the agency and the
- 1293 state historic preservation officer, analyze:
- 1294 (i) the cost of the undertaking, excluding costs attributable to the identification,
- 1295 potential recovery, or excavation of historic properties;
- 1296 (ii) the ownership of the land involved;

1297 (iii) the likelihood of the presence and the nature and type of historical properties that
1298 may be affected by the expenditure or undertaking; and

1299 (iv) clear and distinct alternatives for the identification, recovery, or excavation of
1300 historic properties, including ways to maximize the amount of information recovered and
1301 report that information at current standards of scientific rigor.

1302 (d) The Public Lands Policy Coordinating Office, the agency, and the state historic
1303 preservation officer shall also consider as part of the joint analysis:

1304 (i) the estimated costs of the alternatives in Subsection (2)(c)(iv) in total and as a
1305 percentage of the total cost of the undertaking; and

1306 (ii) at least one plan for the identification, recovery, or excavation of historic properties
1307 that does not substantially increase the cost of the proposed undertaking.

1308 (3) (a) (i) If the state historic preservation officer concurs with the agency's evaluation
1309 or if the Public Lands Policy Coordinating Office determines that the joint analysis is
1310 unnecessary, the state historic preservation officer shall, no later than 30 calendar days after
1311 receiving the agency's evaluation, provide formal comments on the agency's evaluation.

1312 (ii) If a joint analysis is conducted, the state historic preservation officer shall provide
1313 formal comments on the agency's evaluation no later than 30 calendar days after the conclusion
1314 of the joint analysis.

1315 (b) The state historic preservation officer shall ensure that the comments include the
1316 results of any joint analysis conducted under Subsection (2).

1317 (c) If a joint analysis is not conducted, the state historic preservation officer's
1318 comments may include advice about ways to maximize the amount of historic, scientific,
1319 archaeological, anthropological, and educational information recovered, in addition to the
1320 physical recovery of artifacts and the reporting of archaeological information at current
1321 standards of scientific rigor.

1322 Section 41. Section ~~9-8a-405~~, which is renumbered from Section 9-8-405 is
1323 renumbered and amended to read:

1324 ~~[9-8-405]~~. 9-8a-405. **Federal funds -- Agreements on standards and**
1325 **procedures.**

1326 By following the procedures and requirements of Title 63J, Chapter 5, Federal Funds
1327 Procedures Act, the ~~[division]~~ office may accept and administer federal funds provided under

1328 the provisions of the National Historic Preservation Act of 1966, the Land and Water
1329 Conservation Act as amended, and subsequent legislation directed toward the encouragement
1330 of historic preservation, and to enter into those agreements on professional standards and
1331 procedures required by participation in the National Historic Preservation Act of 1966 and the
1332 National Register Office.

1333 Section 42. Section **9-8a-502**, which is renumbered from Section 9-8-502 is
1334 renumbered and amended to read:

1335 **Part 5. Historical Preservation Act**

1336 **~~[9-8-502]~~. 9-8a-502. Legislative finding.**

1337 The Legislature finds and declares that preservation and restoration of historically
1338 significant real property and structures as identified by the State Register of Historic Sites are
1339 in the public interest of the people of the state of Utah and should be promoted by the laws of
1340 this state.

1341 Section 43. Section **9-8a-503**, which is renumbered from Section 9-8-503 is
1342 renumbered and amended to read:

1343 **~~[9-8-503]~~. 9-8a-503. Preservation easement.**

1344 Any owner of a fee simple interest in real property may convey, and any other party
1345 entitled to own real property interests may accept, a preservation easement pertaining to the
1346 real property if the real property possesses historical value that will be enhanced or preserved
1347 by the terms of the easement regarding restoration or preservation of the real property.

1348 Section 44. Section **9-8a-504**, which is renumbered from Section 9-8-504 is
1349 renumbered and amended to read:

1350 **~~[9-8-504]~~. 9-8a-504. Preservation easement -- Subject to other laws.**

1351 Except as provided in this part, preservation easements are subject to the other laws of
1352 this state governing easements, generally. Any preservation easement may, with respect to the
1353 burdened land, entitle its owner to take certain action, to require certain action to be taken by
1354 the owner of the burdened land, or require that certain action not be taken by the owner of the
1355 burdened land, and under any such circumstances may be either appurtenant or in gross.

1356 Section 45. Section **9-8a-505**, which is renumbered from Section 9-8-505 is
1357 renumbered and amended to read:

1358 **~~[9-8-505]~~. 9-8a-505. Rule Against Perpetuities and Rule Restricting**

1359 **Unreasonable Restraints on Alienation not applicable.**

1360 The rule of property known as the Rule Against Perpetuities and the rule of property
1361 known as the Rule Restricting Unreasonable Restraints on Alienation may not be applied to
1362 defeat any of the provisions of this part or of any deed, lease, conveyance, covenant, easement,
1363 or other interest created or document executed in accordance with the provisions of this part.

1364 Section 46. Section **9-8a-506**, which is renumbered from Section 9-8-506 is
1365 renumbered and amended to read:

1366 **[9-8-506]. 9-8a-506. Charitable contribution for tax purposes.**

1367 Any conveyance of a preservation easement may be deemed a charitable contribution
1368 for tax purposes in accordance with the laws, rules, and regulations pertaining to charitable
1369 contributions of interests in real property.

1370 Section 47. Section **9-9-402** is amended to read:

1371 **9-9-402. Definitions.**

1372 As used in this part:

1373 (1) "Antiquities Section" means the Antiquities Section of the [~~Division of State~~
1374 ~~History~~] State Historic Preservation Office.

1375 (2) "Burial site" means a natural or prepared physical location, whether originally
1376 below, on, or above the surface of the earth, into which as a part of the death rite or ceremony
1377 of a culture individual human remains are deposited.

1378 (3) "Cultural affiliation" means that there is a relationship of shared group identity that
1379 can be reasonably traced historically or prehistorically between a present day Indian tribe and
1380 an identifiable earlier group.

1381 (4) "Director" means the director of the Division of Indian Affairs.

1382 (5) "Division" means the Division of Indian Affairs.

1383 (6) "Indian tribe" means a tribe, band, nation, or other organized group or community
1384 of Indians that is recognized as eligible for the special programs and services provided by the
1385 United States to Indians because of their status as Indians.

1386 (7) "Lineal descendant" means the genealogical descendant established by oral or
1387 written record.

1388 (8) "Native American" means of or relating to a tribe, people, or culture that is
1389 indigenous to the United States.

- 1390 (9) "Native American remains" means remains that are Native American.
- 1391 (10) (a) "Nonfederal land" means land in the state that is not owned, controlled, or held
1392 in trust by the federal government.
- 1393 (b) "Nonfederal land" includes:
- 1394 (i) land owned or controlled by:
- 1395 (A) the state;
- 1396 (B) a county, city, or town;
- 1397 (C) an Indian tribe, if the land is not held in trust by the United States for the Indian
1398 tribe or the Indian tribe's members; or
- 1399 (D) a person other than the federal government; or
- 1400 (ii) school and institutional trust lands as defined in Section [53C-1-103](#).
- 1401 (11) "Partner agency" means an agency of the state or a tribal agency that participates
1402 in the remains repatriation process.
- 1403 (12) "Remains" means all or part of a physical individual and objects on or attached to
1404 the physical individual that are placed there as part of the death rite or ceremony of a culture.
- 1405 (13) "Review committee" means the Native American Remains Review Committee
1406 created by Section [9-9-405](#).
- 1407 (14) (a) "State land" means land owned by the state including the state's:
- 1408 (i) legislative and judicial branches;
- 1409 (ii) departments, divisions, agencies, boards, commissions, councils, and committees;
- 1410 and
- 1411 (iii) institutions of higher education as defined under Section [53B-3-102](#).
- 1412 (b) "State land" does not include:
- 1413 (i) land owned by a political subdivision of the state;
- 1414 (ii) land owned by a school district;
- 1415 (iii) private land; or
- 1416 (iv) school and institutional trust lands as defined in Section [53C-1-103](#).
- 1417 (15) "Tribal consultation" means the state and the tribes exchanging views and
1418 information, in writing or in person, regarding implementing proposed state action under this
1419 part that has or may have substantial implications for tribes including impacts on:
- 1420 (a) tribal cultural practices;

- 1421 (b) tribal lands;
 - 1422 (c) tribal resources;
 - 1423 (d) access to traditional areas of tribal cultural or religious importance; or
 - 1424 (e) the consideration of the state's responsibilities to Indian tribes.
- 1425 Section 48. Section **9-9-403** is amended to read:
- 1426 **9-9-403. Ownership and disposition of Native American remains.**
- 1427 (1) If Native American remains are discovered on nonfederal lands on or after April 30,
- 1428 2007, the ownership or control of the Native American remains shall be determined in the
- 1429 following priority:
- 1430 (a) first, in the lineal descendants of the Native American;
 - 1431 (b) second, if the lineal descendants cannot be ascertained, in the Indian tribe that:
 - 1432 (i) has the closest cultural affiliation with the Native American remains; and
 - 1433 (ii) states a claim for the Native American remains; or
 - 1434 (c) third:
 - 1435 (i) in the Indian tribe that is recognized as aboriginally occupying the area in which the
 - 1436 Native American remains are discovered, if:
 - 1437 (A) cultural affiliation of the Native American remains cannot be reasonably
 - 1438 ascertained;
 - 1439 (B) the land is recognized either by a final judgment of the Indian Claims Commission
 - 1440 or through other evidence as the exclusive or joint aboriginal land of some Indian tribe; and
 - 1441 (C) that tribe states a claim for the Native American remains; or
 - 1442 (ii) in a different tribe if:
 - 1443 (A) it can be shown by a preponderance of the evidence that that different tribe has a
 - 1444 stronger genetic or cultural relationship with the Native American remains; and
 - 1445 (B) that different tribe states a claim for the Native American remains.
- 1446 (2) Subject to Subsection (7), Native American remains discovered on nonfederal lands
- 1447 that are not claimed under Subsection (1) shall be disposed of in accordance with rules made
- 1448 by the division:
- 1449 (a) consistent with [~~Chapter 8, Part 3, Antiquities~~] Chapter 8a, Part 3, Antiquities; and
 - 1450 (b) in consultation with Native American groups, representatives of repositories, and
 - 1451 the review committee established under Section **9-9-405**.

1452 (3) The intentional removal or excavation of Native American remains from state lands
1453 may be permitted only if:

1454 (a) the Native American remains are excavated or removed pursuant to a permit issued
1455 under Section [~~9-8-305~~] 9-8a-305;

1456 (b) the Native American remains are excavated or removed after consultation with and
1457 written consent of the owner of the state land; and

1458 (c) the ownership or right of control of the disposition of the Native American remains
1459 is determined as provided in Subsections (1) and (2).

1460 (4) (a) A person who knows or has reason to know that the person has discovered
1461 Native American remains on state lands after March 17, 1992, shall notify, in writing, the
1462 appropriate state agency having primary management authority over the lands as provided in
1463 [~~Chapter 8, Part 3, Antiquities~~] Chapter 8a, Part 3, Antiquities.

1464 (b) If the discovery occurs in connection with construction, mining, logging,
1465 agriculture, or a related activity, the person shall:

1466 (i) cease the activity in the area of the discovery;

1467 (ii) make a reasonable effort to protect the Native American remains discovered before
1468 resuming the activity; and

1469 (iii) provide notice of discovery to the appropriate state agency under Subsection
1470 (4)(a).

1471 (c) Following notification under Subsections (4)(a) and (b) and upon certification by
1472 the head of the appropriate state agency that notification is received, the activity may resume
1473 after compliance with Section 76-9-704.

1474 (5) (a) Scientific study of Native American remains may be carried out only with
1475 approval of the owner of the Native American remains as established in Subsections (1) and
1476 (2).

1477 (b) (i) If ownership is unknown, study before identifying ownership is restricted to
1478 those sufficient to identify ownership.

1479 (ii) Study to identify ownership shall be approved only in accordance with rules made
1480 by the division in consultation with the review committee.

1481 (c) The Native American remains may not be retained longer than 90 days after the
1482 date of establishing ownership.

1483 (6) (a) Ownership of Native American remains shall be determined in accordance with
1484 this Subsection (6) if:

1485 (i) there are multiple claims of ownership under Subsection (1) of Native American
1486 remains; and

1487 (ii) the division cannot clearly determine which claimant is the most appropriate
1488 claimant.

1489 (b) If the conditions of Subsection (6)(a) are met, the appropriate state agency having
1490 primary authority over the lands as provided in [~~Chapter 8, Part 3, Antiquities~~] Chapter 8a, Part
1491 3, Antiquities, may retain the remains until:

1492 (i) the multiple claimants for the Native American remains enter into an agreement
1493 concerning the disposition of the Native American remains;

1494 (ii) the dispute is resolved through an administrative process:

1495 (A) established by rules made by the division in accordance with Title 63G, Chapter 3,
1496 Utah Administrative Rulemaking Act; and

1497 (B) that is exempt from Title 63G, Chapter 4, Administrative Procedures Act; or

1498 (iii) after the administrative process described in Subsection (6)(b)(ii) is complete, the
1499 dispute is resolved by a court of competent jurisdiction.

1500 (7) The division may not make rules that impose any requirement on a person who
1501 discovers Native American remains or owns or controls nonfederal land that is not state land
1502 on which Native American remains are discovered that is not expressly provided for in Section
1503 [~~9-8-309~~] 9-8a-309.

1504 (8) For purposes of this part, if Native American remains are discovered on nonfederal
1505 land that is not state land, the Antiquities Section is considered the state agency having primary
1506 authority over the nonfederal land.

1507 (9) This part does not modify any property rights of a person that owns or controls
1508 nonfederal land except as to the ownership of Native American remains.

1509 Section 49. Section **9-9-405** is amended to read:

1510 **9-9-405. Review committee.**

1511 (1) There is created a Native American Remains Review Committee.

1512 (2) (a) The review committee shall be composed of seven members as follows:

1513 (i) four Tribal members shall be appointed by the director from nominations submitted

1514 by the elected officials of Indian Tribal Nations described in Subsection 9-9-104.5(2)(b); and

1515 (ii) three shall be appointed by the director from nominations submitted by
1516 representatives of Utah's repositories.

1517 (b) A member appointed under Subsection (2)(a)(i) shall have familiarity and
1518 experience with this part.

1519 (c) (i) A member appointed under Subsection (2)(a)(i) serves at the will of the director,
1520 and if the member represents an Indian Tribal Nation, at the will of that Indian Tribal Nation.

1521 Removal of a member who represents an Indian Tribal Nation requires the joint decision of the
1522 director and the Indian Tribal Nation.

1523 (ii) A member appointed under Subsection (2)(a)(ii) serves at the will of the director,
1524 and if the member represents a repository, at the will of the Division of State History. Removal
1525 of a member who represents a repository requires the joint decision of the director and the
1526 Division of State History.

1527 (d) When a vacancy occurs in the membership for any reason, the director shall appoint
1528 a replacement in the same manner as the original appointment under Subsection (2)(a).

1529 (e) A member may not receive compensation or benefits for the member's service, but
1530 may receive per diem and travel expenses in accordance with:

1531 (i) Section 63A-3-106;

1532 (ii) Section 63A-3-107; and

1533 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1534 63A-3-107.

1535 (f) The review committee shall designate one of its members as chair.

1536 (3) The review committee shall:

1537 (a) monitor the identification process conducted under Section 9-9-403 to ensure a fair
1538 and objective consideration and assessment of all available relevant information and evidence;

1539 (b) review a finding relating to the following, subject to the rules made by the division
1540 under Subsection 9-9-403(6):

1541 (i) the identity or cultural affiliation of Native American remains; or

1542 (ii) the return of Native American remains;

1543 (c) facilitate the resolution of a dispute among Indian Tribal Nations or lineal

1544 descendants and state agencies relating to the return of Native American remains, including

1545 convening the parties to the dispute if considered desirable;

1546 (d) consult with Indian Tribal Nations on matters within the scope of the work of the
1547 review committee affecting these Indian Tribal Nations;

1548 (e) consult with the division in the development of rules to carry out this part;

1549 (f) perform other related functions as the division may assign to the review committee;

1550 and

1551 (g) make recommendations, if appropriate, regarding care of Native American remains
1552 that are to be repatriated.

1553 (4) A record or finding made by the review committee relating to the identity of or
1554 cultural affiliation of Native American remains and the return of Native American remains may
1555 be admissible in any action brought under this part.

1556 (5) The appropriate state agency having primary authority over the lands as provided in
1557 [~~Chapter 8, Part 3, Antiquities~~] Chapter 8a, Part 3, Antiquities, shall ensure that the review
1558 committee has reasonable access to:

1559 (a) Native American remains under review; and

1560 (b) associated scientific and historical documents.

1561 (6) The division shall provide reasonable administrative and staff support necessary for
1562 the deliberations of the review committee.

1563 (7) The department shall include in the annual written report described in Section
1564 9-1-208:

1565 (a) a description of the progress made, and any barriers encountered, by the review
1566 committee in implementing this section during the previous year; and

1567 (b) a review of the expenditures made from the Native American Repatriation
1568 Restricted Account.

1569 Section 50. Section **9-9-407** is amended to read:

1570 **9-9-407. Native American Repatriation Restricted Account.**

1571 (1) There is created a restricted account within the General Fund known as the "Native
1572 American Repatriation Restricted Account."

1573 (2) (a) The Native American Repatriation Restricted Account shall consist of
1574 appropriations from the Legislature.

1575 (b) All interest earned on Native American Repatriation Restricted Account money

1576 shall be deposited into the Native American Repatriation Restricted Account.

1577 (3) Subject to appropriation from the Legislature, the division may use the money in
1578 the Native American Repatriation Restricted Account as follows:

1579 (a) for a grant issued in accordance with Subsection (6) to an Indian Tribe to pay the
1580 following costs of reburial of Native American remains:

1581 (i) use of equipment;

1582 (ii) labor for use of the equipment;

1583 (iii) reseeding and vegetation efforts;

1584 (iv) compliance with Section [~~9-8-404~~] [9-8a-404](#); and

1585 (v) caskets;

1586 (b) for tribal consultation, including:

1587 (i) consultation time, drafting reports, taking detailed notes, communicating to the
1588 stakeholders, facilitating discussions, and traveling to individual tribal locations;

1589 (ii) travel costs, including per diem and lodging costs, for:

1590 (A) Utah tribal leaders and tribal cultural resource managers; and

1591 (B) regional partner tribes;

1592 (iii) meeting facilities for the division to host tribal consultations when the division
1593 determines that a state facility does not meet tribal consultation needs; and

1594 (iv) costs for holding meetings under Subsection (3)(b)(iii); and

1595 (c) for training tribal representatives, councils, and staff of a partner agency with
1596 repatriation responsibilities in the processes under Section [~~9-8-404~~] [9-8a-404](#) and rules made
1597 by the [~~Division of State History~~] State Historic Preservation Office in accordance with Title
1598 63G, Chapter 3, Utah Administrative Rulemaking Act, including costs for:

1599 (i) lodging and transportation of employees of the department or a partner agency; or

1600 (ii) travel grants issued in accordance with Subsection (6) for tribal representatives.

1601 (4) If the balance in the Native American Repatriation Restricted Account exceeds
1602 \$100,000 at the close of any fiscal year, the excess shall be transferred into the General Fund.

1603 (5) In accordance with Section [63J-1-602.1](#), appropriations from the account are
1604 nonlapsing.

1605 (6) To issue a grant under this section, the division shall:

1606 (a) require that an Indian Tribe request the grant in writing and specify how the grant

1607 money will be expended; and

1608 (b) enter into an agreement with the Indian Tribe to ensure that the grant money is
1609 expended in accordance with Subsection (3).

1610 Section 51. Section **9-9-408** is amended to read:

1611 **9-9-408. Burial of ancient Native American remains in state parks.**

1612 (1) As used in this section:

1613 (a) "Ancient Native American remains" means ancient human remains, as defined in
1614 Section ~~[9-8-302]~~ 9-8a-302, that are Native American remains, as defined in Section ~~9-9-402~~.

1615 (b) "Antiquities Section" means the Antiquities Section of the ~~[Division of State~~
1616 ~~History]~~ State Historic Preservation Office created in Section ~~[9-8-304]~~ 9-8a-304.

1617 (2) (a) The division, the Antiquities Section, and the Division of State Parks shall
1618 cooperate in a study of the feasibility of burying ancient Native American remains in state
1619 parks.

1620 (b) The study shall include:

1621 (i) the process and criteria for determining which state parks would have land sufficient
1622 and appropriate to reserve a portion of the land for the burial of ancient Native American
1623 remains;

1624 (ii) the process for burying the ancient Native American remains on the lands within
1625 state parks, including the responsibilities of state agencies and the assurance of cultural
1626 sensitivity;

1627 (iii) how to keep a record of the locations in which specific ancient Native American
1628 remains are buried;

1629 (iv) how to account for the costs of:

1630 (A) burying the ancient Native American remains on lands found within state parks;

1631 and

1632 (B) securing and maintaining burial sites in state parks; and

1633 (v) any issues related to burying ancient Native American remains in state parks.

1634 Section 52. Section **9-21-301** is amended to read:

1635 **9-21-301. Creation of commission -- Membership -- Rulemaking.**

1636 (1) There is created within the division the Utah Multicultural Commission.

1637 (2) The commission shall consist of the following 13 members, appointed by the

1638 governor:

1639 ~~[(a) the lieutenant governor, who shall serve as chair of the commission; and]~~

1640 ~~[(b) at least 14 additional members appointed by the governor to two-year terms.]~~

1641 (a) one individual who advises the governor on education issues;

1642 (b) one individual who advises the governor on homelessness issues;

1643 (c) one individual who advises the governor on legislative policy;

1644 (d) one individual who advises the governor on criminal and juvenile justice issues;

1645 (e) one individual who advises the governor on issues concerning families and

1646 children; and

1647 (f) eight individuals who represent Utah's multicultural communities.

1648 (3) (a) A member of the commission:

1649 (i) shall serve for a term of two years; and

1650 (ii) may not serve more than two terms.

1651 (b) Notwithstanding ~~[the requirements of]~~ Subsection ~~[(2)(b)]~~ (3)(a)(i), the governor

1652 shall at the time of appointment adjust the length of terms to ensure that the terms of

1653 commission members are staggered so that approximately half of the commission is appointed

1654 every two years.

1655 (c) When a vacancy occurs in the membership, the governor shall appoint a

1656 replacement for the unexpired term.

1657 ~~[(4) The commission shall meet at least six times per year.]~~

1658 ~~[(5)]~~ (4) A majority of the members of the commission constitutes a quorum of the

1659 commission at any meeting, and the action of the majority of members present is the action of

1660 the commission.

1661 ~~[(6) A member appointed by the governor may be reappointed for one or more~~

1662 ~~additional terms.]~~

1663 ~~[(7) When a vacancy occurs in the membership, the governor shall appoint a~~

1664 ~~replacement for the unexpired term.]~~

1665 ~~[(8)]~~ (5) A member may not receive compensation or benefits for the member's service,

1666 but may receive per diem and travel expenses in accordance with:

1667 (a) Sections [63A-3-106](#) and [63A-3-107](#); and

1668 (b) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and

1669 63A-3-107.

1670 ~~[(9)]~~ (6) The department shall make rules establishing the membership, duties, and
 1671 procedures of the commission in accordance with the requirements of:

1672 (a) this chapter; and

1673 (b) Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1674 ~~[(10)]~~ (7) The department shall provide administrative support to the commission.

1675 Section 53. Section **9-21-302** is amended to read:

1676 **9-21-302. Commission duties.**

1677 (1) The commission shall:

1678 ~~[(1)]~~ (a) cooperate with the division and state agencies to ensure ~~[access to culturally~~
 1679 ~~competent programs and services that meet the needs of the state's multicultural communities;]~~
 1680 ~~the state's resources, services, and programs:~~

1681 (i) advance the interests of the state's multicultural communities;

1682 (ii) are properly communicated and delivered to the state's multicultural communities;

1683 and

1684 (iii) promote a climate of inclusion in the state;

1685 (b) develop and submit to the lieutenant governor an annual report that includes:

1686 (i) a description of the needs, goals, and deliverables that will directly impact the most
 1687 significant and urgent needs of the state's multicultural communities; and

1688 (ii) recommendations on how the state should act to address the needs, goals, and
 1689 deliverables described in Subsection (1)(b)(i); and

1690 (c) convene an annual meeting to discuss issues affecting the state's multicultural
 1691 communities in coordination with the governor, lieutenant governor, and relevant stakeholders.

1692 ~~[(2) make recommendations to the director regarding policies, practices, and~~
 1693 ~~procedures to ensure the proper delivery of state resources, services, and programs to the state's~~
 1694 ~~multicultural communities;]~~

1695 ~~[(3) cooperate with the division and state agencies to ensure proper outreach to the~~
 1696 ~~state's multicultural communities regarding state resources, services, and programs; and]~~

1697 ~~[(4) develop a strategic plan to identify needs, goals, and deliverables that will directly~~
 1698 ~~impact the most significant and urgent needs of the state's multicultural communities.]~~

1699 (2) In carrying out the duties described in Subsection (1), the commission shall:

- 1700 (a) consult with the lieutenant governor; and
- 1701 (b) prioritize programs and efforts related to:
- 1702 (i) employment;
- 1703 (ii) education;
- 1704 (iii) housing;
- 1705 (iv) criminal and juvenile justice; or
- 1706 (v) health and mental health, including suicide prevention.

1707 Section 54. Section **9-22-103** is amended to read:

1708 **9-22-103. STEM Action Center Board creation -- Membership.**

1709 (1) There is created the STEM Action Center Board, composed of the following
1710 members:

- 1711 (a) ~~[six]~~ seven private sector members who represent business, appointed by the
1712 governor;
- 1713 (b) the state superintendent of public instruction or the state superintendent's designee;
- 1714 (c) the commissioner of higher education or the commissioner's designee;
- 1715 (d) one member appointed by the governor;
- 1716 (e) a member of the State Board of Education, chosen by the chair of the State Board of
1717 Education;
- 1718 (f) the executive director of the department or the executive director's designee; and
- 1719 (g) the executive director of the Department of Workforce Services or the executive
1720 director's designee~~;~~and].

1721 ~~[(h) one member who has a degree in engineering and experience working in a
1722 government military installation, appointed by the governor.]~~

1723 (2) (a) The private sector members appointed by the governor in Subsection (1)(a) shall
1724 represent a business or trade association whose primary focus is science, technology, or
1725 engineering.

1726 (b) Except as required by Subsection (2)(c), members appointed by the governor shall
1727 be appointed to four-year terms.

1728 (c) The length of terms of the members shall be staggered so that approximately half of
1729 the committee is appointed every two years.

1730 (d) The members may not serve more than two full consecutive terms except where the

1731 governor determines that an additional term is in the best interest of the state.

1732 (e) When a vacancy occurs in the membership for any reason, the replacement shall be
1733 appointed for the unexpired term.

1734 (3) Attendance of a simple majority of the members constitutes a quorum for the
1735 transaction of official committee business.

1736 (4) Formal action by the STEM board requires a majority vote of a quorum.

1737 (5) A member may not receive compensation or benefits for the member's service, but
1738 may receive per diem and travel expenses in accordance with:

1739 (a) Section 63A-3-106;

1740 (b) Section 63A-3-107; and

1741 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

1742 (6) The governor shall select the chair of the STEM board to serve a two-year term.

1743 (7) The executive director of the department or the executive director's designee shall
1744 serve as the vice chair of the STEM board.

1745 Section 55. Section 9-23-203, which is renumbered from Section 63N-10-202 is
1746 renumbered and amended to read:

1747 ~~[63N-10-202]~~. **9-23-203. Commission powers and duties.**

1748 (1) The commission shall:

1749 (a) purchase and use a seal;

1750 (b) adopt rules for the administration of this chapter in accordance with Title 63G,
1751 Chapter 3, Utah Administrative Rulemaking Act;

1752 (c) prepare all forms of contracts between sponsors, licensees, promoters, and
1753 contestants; and

1754 (d) hold hearings relating to matters under its jurisdiction, including violations of this
1755 chapter or rules made under this chapter.

1756 (2) The commission may subpoena witnesses, take evidence, and require the
1757 production of books, papers, documents, records, contracts, recordings, tapes, correspondence,
1758 or other information relevant to an investigation if the commission or its designee considers it
1759 necessary.

1760 Section 56. Section 9-23-304 is amended to read:

1761 **9-23-304. Additional fees for promoter -- Dedicated credits -- Promotion of**

1762 **contests -- Annual exemption of showcase event.**

1763 (1) In addition to the payment of any other fees and money due under this chapter,
1764 [~~every~~] a promoter shall pay a license fee and, if applicable, a broadcast revenue fee determined
1765 by the commission and established in rule.

1766 (2) [~~License fees~~] Fees collected by the commission under this [Subsection (2) from
1767 professional boxing contests or exhibitions] section shall be retained by the commission as a
1768 dedicated credit to be used by the commission to award grants to organizations that promote
1769 amateur boxing in the state and cover commission expenses.

1770 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1771 commission shall adopt rules:

1772 (a) governing the manner in which applications for grants under Subsection (2) may be
1773 submitted to the commission; and

1774 (b) establishing standards for awarding grants under Subsection (2) to organizations
1775 which promote amateur boxing in the state.

1776 (4) (a) For the purpose of creating a greater interest in contests in the state, the
1777 commission may exempt from the payment of license fees under this section one contest or
1778 exhibition in each calendar year, intended as a showcase event.

1779 (b) The commission shall select the contest or exhibition to be exempted based on
1780 factors which include:

- 1781 (i) attraction of the optimum number of spectators;
- 1782 (ii) costs of promoting and producing the contest or exhibition;
- 1783 (iii) ticket pricing;
- 1784 (iv) committed promotions and advertising of the contest or exhibition;
- 1785 (v) rankings and quality of the contestants; and
- 1786 (vi) committed television and other media coverage of the contest or exhibition.

1787 Section 57. Section **9-24-101** is amended to read:

1788 **9-24-101. Definitions.**

1789 As used in this chapter:

1790 [~~(1) "Advisory committee" means the Utah Main Street Advisory Committee created in~~
1791 ~~Section 9-24-103.~~]

1792 [~~(2)~~] (1) "Center" means the National Main Street Center.

1793 ~~[(3)]~~ (2) "Program" means the Utah Main Street Program created in Section 9-24-102.

1794 Section 58. Section 9-24-102 is amended to read:

1795 **9-24-102. Utah Main Street Program.**

1796 (1) The Utah Main Street Program is created within the department to provide
1797 resources for the revitalization of downtown or commercial district areas of municipalities in
1798 the state.

1799 (2) To implement the program, the department may:

1800 (a) become a member of the National Main Street Center and partner with the center to
1801 become the statewide coordinating program for participating municipalities in the state;

1802 (b) establish criteria for the designation of one or more local main street programs
1803 administered by a county or municipality in the state;

1804 ~~[(c) consider the recommendations of the advisory committee in designating and
1805 implementing local main street programs;]~~

1806 ~~[(d)]~~ (c) provide training and technical assistance to local governments, businesses,
1807 property owners, or other organizations that participate in designated local main street
1808 programs;

1809 ~~[(e)]~~ (d) subject to appropriations from the Legislature or other funding, provide
1810 financial assistance to designated local main street programs; and

1811 ~~[(f)]~~ (e) under the direction of the executive director, appoint full-time staff.

1812 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1813 department may make rules establishing the eligibility and reporting criteria for a downtown
1814 area to receive a local main street program designation, including requirements for:

1815 (a) local government support of the local main street program; and

1816 (b) collecting data to measure economic development impact.

1817 (4) The department shall include in the annual written report described in Section
1818 9-1-208, a report of the program's operations and details of which municipalities have received:

1819 (a) a local main street program designation; and

1820 (b) financial support from the program.

1821 Section 59. Section 10-9a-534 is amended to read:

1822 **10-9a-534. Regulation of building design elements prohibited -- Exceptions.**

1823 (1) As used in this section, "building design element" means:

- 1824 (a) exterior color;
- 1825 (b) type or style of exterior cladding material;
- 1826 (c) style, dimensions, or materials of a roof structure, roof pitch, or porch;
- 1827 (d) exterior nonstructural architectural ornamentation;
- 1828 (e) location, design, placement, or architectural styling of a window or door;
- 1829 (f) location, design, placement, or architectural styling of a garage door, not including a
- 1830 rear-loading garage door;
- 1831 (g) number or type of rooms;
- 1832 (h) interior layout of a room;
- 1833 (i) minimum square footage over 1,000 square feet, not including a garage;
- 1834 (j) rear yard landscaping requirements;
- 1835 (k) minimum building dimensions; or
- 1836 (l) a requirement to install front yard fencing.
- 1837 (2) Except as provided in Subsection (3), a municipality may not impose a requirement
- 1838 for a building design element on a one to two family dwelling.
- 1839 (3) Subsection (2) does not apply to:
- 1840 (a) a dwelling located within an area designated as a historic district in:
- 1841 (i) the National Register of Historic Places;
- 1842 (ii) the state register as defined in Section [~~9-8-402~~] [9-8a-402](#); or
- 1843 (iii) a local historic district or area, or a site designated as a local landmark, created by
- 1844 ordinance before January 1, 2021;
- 1845 (b) an ordinance enacted as a condition for participation in the National Flood
- 1846 Insurance Program administered by the Federal Emergency Management Agency;
- 1847 (c) an ordinance enacted to implement the requirements of the Utah Wildland Urban
- 1848 Interface Code adopted under Section [15A-2-103](#);
- 1849 (d) building design elements agreed to under a development agreement;
- 1850 (e) a dwelling located within an area that:
- 1851 (i) is zoned primarily for residential use; and
- 1852 (ii) was substantially developed before calendar year 1950;
- 1853 (f) an ordinance enacted to implement water efficient landscaping in a rear yard;
- 1854 (g) an ordinance enacted to regulate type of cladding, in response to findings or

1855 evidence from the construction industry of:

1856 (i) defects in the material of existing cladding; or

1857 (ii) consistent defects in the installation of existing cladding; or

1858 (h) a land use regulation, including a planned unit development or overlay zone, that a
1859 property owner requests:

1860 (i) the municipality to apply to the owner's property; and

1861 (ii) in exchange for an increase in density or other benefit not otherwise available as a
1862 permitted use in the zoning area or district.

1863 Section 60. Section **15A-2-103** is amended to read:

1864 **15A-2-103. Specific editions adopted of construction code of a nationally**
1865 **recognized code authority.**

1866 (1) Subject to the other provisions of this part, the following construction codes are
1867 incorporated by reference, and together with the amendments specified in Chapter 3, Statewide
1868 Amendments Incorporated as Part of State Construction Code, and Chapter 4, Local
1869 Amendments Incorporated as Part of State Construction Code, are the construction standards to
1870 be applied to building construction, alteration, remodeling, and repair, and in the regulation of
1871 building construction, alteration, remodeling, and repair in the state:

1872 (a) the 2018 edition of the International Building Code, including Appendices C and J,
1873 issued by the International Code Council;

1874 (b) the 2015 edition of the International Residential Code, issued by the International
1875 Code Council;

1876 (c) Appendix Q of the 2018 edition of the International Residential Code, issued by the
1877 International Code Council;

1878 (d) the 2018 edition of the International Plumbing Code, issued by the International
1879 Code Council;

1880 (e) the 2018 edition of the International Mechanical Code, issued by the International
1881 Code Council;

1882 (f) the 2018 edition of the International Fuel Gas Code, issued by the International
1883 Code Council;

1884 (g) the 2020 edition of the National Electrical Code, issued by the National Fire
1885 Protection Association;

- 1886 (h) the residential provisions of the 2015 edition of the International Energy
1887 Conservation Code, issued by the International Code Council;
- 1888 (i) the commercial provisions of the 2018 edition of the International Energy
1889 Conservation Code, issued by the International Code Council;
- 1890 (j) the 2018 edition of the International Existing Building Code, issued by the
1891 International Code Council;
- 1892 (k) subject to Subsection [15A-2-104\(2\)](#), the HUD Code;
- 1893 (l) subject to Subsection [15A-2-104\(1\)](#), Appendix E of the 2015 edition of the
1894 International Residential Code, issued by the International Code Council;
- 1895 (m) subject to Subsection [15A-2-104\(1\)](#), the 2005 edition of the NFPA 225 Model
1896 Manufactured Home Installation Standard, issued by the National Fire Protection Association;
- 1897 (n) subject to Subsection (3), for standards and guidelines pertaining to plaster on a
1898 historic property, as defined in Section [~~9-8-302~~] [9-8a-302](#), the U.S. Department of the Interior
1899 Secretary's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings;
1900 and
- 1901 (o) the residential provisions of the 2018 edition of the International Swimming Pool
1902 and Spa Code, issued by the International Code Council.
- 1903 (2) Consistent with Title 65A, Chapter 8, Management of Forest Lands and Fire
1904 Control, the Legislature adopts the 2006 edition of the Utah Wildland Urban Interface Code,
1905 issued by the International Code Council, with the alternatives or amendments approved by the
1906 Utah Division of Forestry, as a construction code that may be adopted by a local compliance
1907 agency by local ordinance or other similar action as a local amendment to the codes listed in
1908 this section.
- 1909 (3) The standards and guidelines described in Subsection (1)(n) apply only if:
- 1910 (a) the owner of the historic property receives a government tax subsidy based on the
1911 property's status as a historic property;
- 1912 (b) the historic property is wholly or partially funded by public money; or
- 1913 (c) the historic property is owned by a government entity.
- 1914 Section 61. Section **17-27a-530** is amended to read:
- 1915 **17-27a-530. Regulation of building design elements prohibited -- Exceptions.**
- 1916 (1) As used in this section, "building design element" means:

- 1917 (a) exterior color;
- 1918 (b) type or style of exterior cladding material;
- 1919 (c) style, dimensions, or materials of a roof structure, roof pitch, or porch;
- 1920 (d) exterior nonstructural architectural ornamentation;
- 1921 (e) location, design, placement, or architectural styling of a window or door;
- 1922 (f) location, design, placement, or architectural styling of a garage door, not including a
- 1923 rear-loading garage door;
- 1924 (g) number or type of rooms;
- 1925 (h) interior layout of a room;
- 1926 (i) minimum square footage over 1,000 square feet, not including a garage;
- 1927 (j) rear yard landscaping requirements;
- 1928 (k) minimum building dimensions; or
- 1929 (l) a requirement to install front yard fencing.
- 1930 (2) Except as provided in Subsection (3), a county may not impose a requirement for a
- 1931 building design element on a one to two family dwelling.
- 1932 (3) Subsection (2) does not apply to:
- 1933 (a) a dwelling located within an area designated as a historic district in:
- 1934 (i) the National Register of Historic Places;
- 1935 (ii) the state register as defined in Section [~~9-8-402~~] [9-8a-402](#); or
- 1936 (iii) a local historic district or area, or a site designated as a local landmark, created by
- 1937 ordinance before January 1, 2021;
- 1938 (b) an ordinance enacted as a condition for participation in the National Flood
- 1939 Insurance Program administered by the Federal Emergency Management Agency;
- 1940 (c) an ordinance enacted to implement the requirements of the Utah Wildland Urban
- 1941 Interface Code adopted under Section [15A-2-103](#);
- 1942 (d) building design elements agreed to under a development agreement;
- 1943 (e) a dwelling located within an area that:
- 1944 (i) is zoned primarily for residential use; and
- 1945 (ii) was substantially developed before calendar year 1950;
- 1946 (f) an ordinance enacted to implement water efficient landscaping in a rear yard;
- 1947 (g) an ordinance enacted to regulate type of cladding, in response to findings or

1948 evidence from the construction industry of:

1949 (i) defects in the material of existing cladding; or

1950 (ii) consistent defects in the installation of existing cladding; or

1951 (h) a land use regulation, including a planned unit development or overlay zone, that a

1952 property owner requests:

1953 (i) the county to apply to the owner's property; and

1954 (ii) in exchange for an increase in density or other benefit not otherwise available as a

1955 permitted use in the zoning area or district.

1956 Section 62. Section **17C-2-103** is amended to read:

1957 **17C-2-103. Urban renewal project area plan requirements.**

1958 (1) An agency shall ensure that each urban renewal project area plan and proposed

1959 project area plan:

1960 (a) describes the boundaries of the project area, subject to Section **17C-1-414**, if

1961 applicable;

1962 (b) contains a general statement of the land uses, layout of principal streets, population

1963 densities, and building intensities of the project area and how they will be affected by the

1964 project area development;

1965 (c) states the standards that will guide the project area development;

1966 (d) shows how the purposes of this title will be attained by the project area

1967 development;

1968 (e) is consistent with the general plan of the community in which the project area is

1969 located and show that the project area development will conform to the community's general

1970 plan;

1971 (f) describes how the project area development will reduce or eliminate a development

1972 impediment in the project area;

1973 (g) describes any specific project or projects that are the object of the proposed project

1974 area development;

1975 (h) identifies how a participant will be selected to undertake the project area

1976 development and identify each participant currently involved in the project area development;

1977 (i) states the reasons for the selection of the project area;

1978 (j) describes the physical, social, and economic conditions existing in the project area;

- 1979 (k) describes any tax incentives offered private entities for facilities located in the
1980 project area;
- 1981 (l) includes the analysis described in Subsection (2);
- 1982 (m) if any of the existing buildings or uses in the project area are included in or eligible
1983 for inclusion in the National Register of Historic Places or the State Register, states that the
1984 agency shall comply with Section [~~9-8-404~~] 9-8a-404 as though the agency were a state agency;
1985 and
- 1986 (n) includes other information that the agency determines to be necessary or advisable.
- 1987 (2) An agency shall ensure that each analysis under Subsection (1)(l) considers:
- 1988 (a) the benefit of any financial assistance or other public subsidy proposed to be
1989 provided by the agency, including:
- 1990 (i) an evaluation of the reasonableness of the costs of the project area development;
- 1991 (ii) efforts the agency or participant has made or will make to maximize private
1992 investment;
- 1993 (iii) the rationale for use of tax increment, including an analysis of whether the
1994 proposed project area development might reasonably be expected to occur in the foreseeable
1995 future solely through private investment; and
- 1996 (iv) an estimate of the total amount of tax increment that will be expended in
1997 undertaking project area development and the project area funds collection period; and
- 1998 (b) the anticipated public benefit to be derived from the project area development,
1999 including:
- 2000 (i) the beneficial influences upon the tax base of the community;
- 2001 (ii) the associated business and economic activity likely to be stimulated; and
- 2002 (iii) whether adoption of the project area plan is necessary and appropriate to reduce or
2003 eliminate a development impediment.
- 2004 Section 63. Section ~~17C-2-104~~ is amended to read:
- 2005 **17C-2-104. Existing and historic buildings and uses in an urban renewal project**
2006 **area.**
- 2007 If any of the existing buildings or uses in an urban renewal project area are included in
2008 or eligible for inclusion in the National Register of Historic Places or the State Register, the
2009 agency shall comply with Section [~~9-8-404~~] 9-8a-404 as though the agency were a state agency.

2010 Section 64. Section 17C-3-103 is amended to read:
2011 **17C-3-103. Economic development project area plan requirements.**
2012 (1) Each economic development project area plan and proposed project area plan shall:
2013 (a) describe the boundaries of the project area, subject to Section 17C-1-414, if
2014 applicable;
2015 (b) contain a general statement of the land uses, layout of principal streets, population
2016 densities, and building intensities of the project area and how they will be affected by the
2017 project area development;
2018 (c) state the standards that will guide the project area development;
2019 (d) show how the purposes of this title will be attained by the project area
2020 development;
2021 (e) be consistent with the general plan of the community in which the project area is
2022 located and show that the project area development will conform to the community's general
2023 plan;
2024 (f) describe how the project area development will create additional jobs;
2025 (g) describe any specific project or projects that are the object of the proposed project
2026 area development;
2027 (h) identify how a participant will be selected to undertake the project area
2028 development and identify each participant currently involved in the project area development;
2029 (i) state the reasons for the selection of the project area;
2030 (j) describe the physical, social, and economic conditions existing in the project area;
2031 (k) describe any tax incentives offered private entities for facilities located in the
2032 project area;
2033 (l) include an analysis, as provided in Subsection (2), of whether adoption of the
2034 project area plan is beneficial under a benefit analysis;
2035 (m) if any of the existing buildings or uses in the project area are included in or eligible
2036 for inclusion in the National Register of Historic Places or the State Register, state that the
2037 agency shall comply with Subsection [~~9-8-404(1)~~] 9-8a-404(1) as though the agency were a
2038 state agency; and
2039 (n) include other information that the agency determines to be necessary or advisable.
2040 (2) Each analysis under Subsection (1)(l) shall consider:

2041 (a) the benefit of any financial assistance or other public subsidy proposed to be
2042 provided by the agency, including:

2043 (i) an evaluation of the reasonableness of the costs of project area development;

2044 (ii) efforts the agency or participant has made or will make to maximize private
2045 investment;

2046 (iii) the rationale for use of tax increment, including an analysis of whether the
2047 proposed project area development might reasonably be expected to occur in the foreseeable
2048 future solely through private investment; and

2049 (iv) an estimate of the total amount of tax increment that will be expended in
2050 undertaking project area development and the length of time for which it will be expended; and

2051 (b) the anticipated public benefit to be derived from the project area development,
2052 including:

2053 (i) the beneficial influences upon the tax base of the community;

2054 (ii) the associated business and economic activity likely to be stimulated; and

2055 (iii) the number of jobs or employment anticipated to be generated or preserved.

2056 Section 65. Section **17C-3-104** is amended to read:

2057 **17C-3-104. Existing and historic buildings and uses in an economic development**
2058 **project area.**

2059 If any of the existing buildings or uses in an economic development project area are
2060 included in or eligible for inclusion in the National Register of Historic Places or the State
2061 Register, the agency shall comply with Subsection [~~9-8-404(1)~~] 9-8a-404(1) as though the
2062 agency were a state agency.

2063 Section 66. Section **17C-5-105** is amended to read:

2064 **17C-5-105. Community reinvestment project area plan requirements.**

2065 An agency shall ensure that each community reinvestment project area plan and
2066 proposed community reinvestment project area plan:

2067 (1) subject to Section 17C-1-414, if applicable, includes a boundary description and a
2068 map of the community reinvestment project area;

2069 (2) contains a general statement of the existing land uses, layout of principal streets,
2070 population densities, and building intensities of the community reinvestment project area and
2071 how each will be affected by project area development;

- 2072 (3) states the standards that will guide project area development;
- 2073 (4) shows how project area development will further purposes of this title;
- 2074 (5) is consistent with the general plan of the community in which the community
- 2075 reinvestment project area is located and shows that project area development will conform to
- 2076 the community's general plan;
- 2077 (6) if applicable, describes how project area development will eliminate or reduce a
- 2078 development impediment in the community reinvestment project area;
- 2079 (7) describes any specific project area development that is the object of the community
- 2080 reinvestment project area plan;
- 2081 (8) if applicable, explains how the agency plans to select a participant;
- 2082 (9) states each reason the agency selected the community reinvestment project area;
- 2083 (10) describes the physical, social, and economic conditions that exist in the
- 2084 community reinvestment project area;
- 2085 (11) describes each type of financial assistance that the agency anticipates offering a
- 2086 participant;
- 2087 (12) includes an analysis or description of the anticipated public benefit resulting from
- 2088 project area development, including benefits to the community's economic activity and tax
- 2089 base;
- 2090 (13) if applicable, states that the agency shall comply with Section [~~9-8-404~~] [9-8a-404](#)
- 2091 as required under Section [17C-5-106](#);
- 2092 (14) for a community reinvestment project area plan that an agency adopted before
- 2093 May 14, 2019, states whether the community reinvestment project area plan or proposed
- 2094 community reinvestment project area plan is subject to a taxing entity committee or an
- 2095 interlocal agreement; and
- 2096 (15) includes other information that the agency determines to be necessary or
- 2097 advisable.

2098 Section 67. Section **17C-5-106** is amended to read:

2099 **17C-5-106. Existing and historic buildings and uses in a community reinvestment**
2100 **project area.**

2101 An agency shall comply with Section [~~9-8-404~~] [9-8a-404](#) as though the agency is a state
2102 agency if:

2103 (1) any of the existing buildings or uses in a community reinvestment project area are
2104 included in, or eligible for inclusion in, the National Register of Historic Places or the State
2105 Register; and

2106 (2) the agency spends agency funds on the demolition or rehabilitation of existing
2107 buildings described in Subsection (1).

2108 Section 68. Section **53B-17-603** is amended to read:

2109 **53B-17-603. Curation and deposit of specimens.**

2110 (1) For purposes of this section:

2111 (a) "Collections" [~~is~~] means the same as that term is defined [~~as provided~~] in Section
2112 [~~9-8-302~~] 9-8a-302.

2113 (b) "Curation facility" means:

2114 (i) the museum;

2115 (ii) an accredited facility meeting federal curation standards; or

2116 (iii) an appropriate state park.

2117 (c) "Museum" means the Utah Museum of Natural History.

2118 (d) "Repository" means:

2119 (i) a facility designated by the museum through memoranda of agreement; or

2120 (ii) a place of reburial.

2121 (e) "School and institutional trust lands" are those properties defined in Section
2122 53C-1-103.

2123 (2) The museum shall make rules to ensure the adequate curation of all collections
2124 from lands owned or controlled by the state or its subdivisions. The rules shall:

2125 (a) conform to, but not be limited by, federal curation policy;

2126 (b) recognize that collections recovered from school and institutional trust lands are
2127 owned by the respective trust, and shall be made available for exhibition as the beneficiaries of
2128 the respective trust may request, subject to museum curation policy and the curation facility's
2129 budgetary priorities;

2130 (c) recognize that any collections obtained in exchange for collections found on school
2131 and institutional trust lands shall be owned by the respective trust; and

2132 (d) recognize that if, at its discretion, the curation facility makes and sells
2133 reproductions derived from collections found on school or institutional trust lands, any money

2134 obtained from these sales shall be given to the respective trust, but the curation facility may
2135 retain money sufficient to recover the direct costs of preparation for sale and a reasonable fee
2136 for handling the sale.

2137 (3) (a) The museum may enter into memoranda of agreement with other repositories
2138 located in and outside the state to act as its designee for the curation of collections.

2139 (b) In these memoranda, the museum may delegate some or all of its authority to
2140 curate.

2141 (4) (a) All collections recovered from lands owned or controlled by the state or its
2142 subdivisions shall be deposited at the museum, a curation facility, or at a repository within a
2143 reasonable time after the completion of field work.

2144 (b) The museum shall make rules establishing procedures for selection of the
2145 appropriate curation facility or repository.

2146 (c) The rules shall consider:

2147 (i) whether the permittee, authorized pursuant to Section [~~9-8-305~~] [9-8a-305](#), is a
2148 curation facility;

2149 (ii) the appropriateness of reburial;

2150 (iii) the proximity of the curation facility or repository to the point of origin of the
2151 collection;

2152 (iv) the preference of the owner of the land on which the collection was found;

2153 (v) the nature of the collection and the repository's or curation facility's ability and
2154 desire to curate the collection in question, and ability to maximize the scientific, educational,
2155 and cultural benefits for the people of the state and the school and institutional trusts;

2156 (vi) selection of a second curation facility or repository, if the original repository or
2157 curation facility becomes unable to curate the collections under its care; and

2158 (vii) establishment of an arbitration process for the resolution of disputes over the
2159 location of a curation facility or repository, which shall include an ultimate arbitration authority
2160 consisting of the landowner, the state archaeologist or paleontologist, and a representative from
2161 the governor's office.

2162 (d) The repository or curation facility may charge a curation fee commensurate with the
2163 costs of maintaining those collections, except that a fee may not be charged to the respective
2164 trust for collections found on school or institutional trust lands.

2165 (5) The repository or curation facility shall make specimens available through loans to
2166 museums and research institutions in and out of the state when, in the opinion of the repository
2167 or curation facility:

2168 (a) the use of the specimens is appropriate; and

2169 (b) arrangements are made for safe custodianship of the specimens.

2170 (6) The museum shall comply with the procedures of Title 63G, Chapter 3, Utah
2171 Administrative Rulemaking Act, regarding publication of its rules in the Utah State Bulletin
2172 and the Utah Administrative Code.

2173 Section 69. Section **53B-18-1002** is amended to read:

2174 **53B-18-1002. Establishment of the center -- Purpose -- Duties and**
2175 **responsibilities.**

2176 (1) There is established the Mormon Pioneer Heritage Center in connection with Utah
2177 State University.

2178 (2) The purpose of the center is to coordinate interdepartmental research and extension
2179 efforts in recreation, heritage tourism, and agricultural extension service and to enter into
2180 cooperative contracts with the United States Departments of Agriculture and the Interior, state,
2181 county, and city officers, public and private organizations, and individuals to enhance Mormon
2182 pioneer heritage.

2183 (3) The center has the following duties and responsibilities:

2184 (a) to support United States Congressional findings that the landscape, architecture,
2185 traditions, products, and events in the counties convey the heritage of pioneer settlements and
2186 their role in agricultural development;

2187 (b) to coordinate with extension agents in the counties to assist in the enhancement of
2188 heritage businesses and the creation of heritage products;

2189 (c) to foster a close working relationship with all levels of government, the private
2190 sector, residents, business interests, and local communities;

2191 (d) to support United States Congressional findings that the historical, cultural, and
2192 natural heritage legacies of Mormon colonization and settlement are nationally significant;

2193 (e) to encourage research and studies relative to the variety of heritage resources along
2194 the 250-mile Highway 89 corridor from Fairview to Kanab, Utah, and Highways 12 and 24, the
2195 All American Road, to the extent those resources demonstrate:

2196 (i) the colonization of the western United States; and
2197 (ii) the expansion of the United States as a major world power;
2198 (f) to demonstrate that the great relocation to the western United States was facilitated
2199 by:
2200 (i) the 1,400 mile trek from Illinois to the Great Salt Lake by the Mormon Pioneers;
2201 and
2202 (ii) the subsequent colonization effort in Nevada, Utah, the southeast corner of Idaho,
2203 the southwest corner of Wyoming, large areas of southeastern Oregon, much of southern
2204 California, and areas along the eastern border of California; and
2205 (g) to assist in interpretive efforts that demonstrate how the Boulder Loop, Capitol
2206 Reef National Park, Zion National Park, Bryce Canyon National Park, and the Highway 89 area
2207 convey the compelling story of how early settlers:
2208 (i) interacted with Native Americans; and
2209 (ii) established towns and cities in a harsh, yet spectacular, natural environment.
2210 (4) The center, in collaboration with the United States Department of the Interior, the
2211 National Park Service, the United States Department of Agriculture, the United States Forest
2212 Service, the Department of Cultural and Community Engagement, the Utah [~~Division of State~~
2213 ~~History~~] Historical Society, and the alliance and its intergovernmental local partners, shall:
2214 (a) assist in empowering communities in the counties to conserve, preserve, and
2215 enhance the heritage of the communities while strengthening future economic opportunities;
2216 (b) help conserve, interpret, and develop the historical, cultural, natural, and
2217 recreational resources within the counties; and
2218 (c) expand, foster, and develop heritage businesses and products relating to the cultural
2219 heritage of the counties.
2220 (5) The center, in collaboration with the United States Department of the Interior, the
2221 National Park Service, and with funding from the alliance, shall develop a heritage
2222 management plan.
2223 Section 70. Section **59-7-609** is amended to read:
2224 **59-7-609. Historic preservation credit.**
2225 (1) (a) For tax years beginning January 1, 1993, and thereafter, there is allowed to a
2226 taxpayer subject to Section **59-7-104**, as a credit against the tax due, an amount equal to 20% of

2227 qualified rehabilitation expenditures, costing more than \$10,000, incurred in connection with
2228 any residential certified historic building. When qualifying expenditures of more than \$10,000
2229 are incurred, the credit allowed by this section shall apply to the full amount of expenditures.

2230 (b) All rehabilitation work to which the credit may be applied shall be approved by the
2231 State Historic Preservation Office prior to completion of the rehabilitation project as meeting
2232 the Secretary of the Interior's Standards for Rehabilitation so that the office can provide
2233 corrective comments to the taxpayer in order to preserve the historical qualities of the building.

2234 (c) Any amount of credit remaining may be carried forward to each of the five taxable
2235 years following the qualified expenditures.

2236 (d) The commission, in consultation with the [~~Division of State History~~] State Historic
2237 Preservation Office, shall promulgate rules to implement this section.

2238 (2) As used in this section:

2239 (a) "Certified historic building" means a building that is listed on the National Register
2240 of Historic Places within three years of taking the credit under this section or that is located in a
2241 National Register Historic District and the building has been designated by the [~~Division of~~
2242 ~~State History~~] State Historic Preservation Office as being of significance to the district.

2243 (b) (i) "Qualified rehabilitation expenditures" means any amount properly chargeable
2244 to the rehabilitation and restoration of the physical elements of the building, including the
2245 historic decorative elements, and the upgrading of the structural, mechanical, electrical, and
2246 plumbing systems to applicable codes.

2247 (ii) "Qualified rehabilitation expenditures" does not include expenditures related to:

2248 (A) the taxpayer's personal labor;

2249 (B) cost of acquisition of the property;

2250 (C) any expenditure attributable to the enlargement of an existing building;

2251 (D) rehabilitation of a certified historic building without the approval required in

2252 Subsection (1)(b); or

2253 (E) any expenditure attributable to landscaping and other site features, outbuildings,
2254 garages, and related features.

2255 (c) "Residential" means a building used for residential use, either owner occupied or
2256 income producing.

2257 Section 71. Section **59-10-1006** is amended to read:

2258 **59-10-1006. Historic preservation tax credit.**

2259 (1) (a) For tax years beginning January 1, 1993, and thereafter, there is allowed to a
2260 claimant, estate, or trust, as a nonrefundable tax credit against the income tax due, an amount
2261 equal to 20% of qualified rehabilitation expenditures, costing more than \$10,000, incurred in
2262 connection with any residential certified historic building. When qualifying expenditures of
2263 more than \$10,000 are incurred, the tax credit allowed by this section shall apply to the full
2264 amount of expenditures.

2265 (b) All rehabilitation work to which the tax credit may be applied shall be approved by
2266 the State Historic Preservation Office prior to completion of the rehabilitation project as
2267 meeting the Secretary of the Interior's Standards for Rehabilitation so that the office can
2268 provide corrective comments to the claimant, estate, or trust in order to preserve the historical
2269 qualities of the building.

2270 (c) Any amount of tax credit remaining may be carried forward to each of the five
2271 taxable years following the qualified expenditures.

2272 (d) The commission, in consultation with the [~~Division of State History~~] State Historic
2273 Preservation Office, shall promulgate rules to implement this section.

2274 (2) As used in this section:

2275 (a) "Certified historic building" means a building that is listed on the National Register
2276 of Historic Places within three years of taking the credit under this section or that is located in a
2277 National Register Historic District and the building has been designated by the [~~Division of~~
2278 ~~State History~~] State Historic Preservation Office as being of significance to the district.

2279 (b) (i) "Qualified rehabilitation expenditures" means any amount properly chargeable
2280 to the rehabilitation and restoration of the physical elements of the building, including the
2281 historic decorative elements, and the upgrading of the structural, mechanical, electrical, and
2282 plumbing systems to applicable codes.

2283 (ii) "Qualified rehabilitation expenditures" does not include expenditures related to:

2284 (A) a claimant's, estate's, or trust's personal labor;

2285 (B) cost of acquisition of the property;

2286 (C) any expenditure attributable to the enlargement of an existing building;

2287 (D) rehabilitation of a certified historic building without the approval required in

2288 Subsection (1)(b); or

2289 (E) any expenditure attributable to landscaping and other site features, outbuildings,
2290 garages, and related features.

2291 (c) "Residential" means a building used for residential use, either owner occupied or
2292 income producing.

2293 Section 72. Section **63A-12-112** is amended to read:

2294 **63A-12-112. Records Management Committee -- Creation -- Membership --**
2295 **Administration.**

2296 (1) There is created the Records Management Committee composed of the following
2297 seven members:

2298 (a) the director of the [~~Division of State History~~] Utah Historical Society or the
2299 director's designee;

2300 (b) the director of the Division of Archives and Records Services or the director's
2301 designee; and

2302 (c) five members appointed by the governor as follows:

2303 (i) a member of the Utah State Bar who understands public records keeping under Title
2304 63G, Chapter 2, Government Records Access and Management Act;

2305 (ii) a member with experience in public finance;

2306 (iii) an individual from the private sector whose principal professional responsibilities
2307 are to create or manage records;

2308 (iv) a member representing political subdivisions, recommended by the Utah League of
2309 Cities and Towns; and

2310 (v) a member representing the news media.

2311 (2) (a) Except as provided in Subsection (2)(b), the governor shall appoint each
2312 member to a four-year term.

2313 (b) Notwithstanding Subsection (2)(a), the governor shall, at the time of appointment
2314 or reappointment, adjust the length of committee members' terms to ensure that the terms of
2315 members appointed by the governor are staggered so that approximately half of the committee
2316 members appointed by the governor are appointed every two years.

2317 (c) Each appointed member of the committee is eligible for reappointment for one
2318 additional term.

2319 (3) When a vacancy occurs in the membership of the committee for any reason, the

2320 applicable appointing authority shall appoint a replacement for the unexpired term.

2321 (4) A member of the Records Management Committee may not receive compensation
2322 or benefits for the member's service on the committee, but may receive per diem and travel
2323 expenses in accordance with:

2324 (a) Section 63A-3-106;

2325 (b) Section 63A-3-107; and

2326 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

2327 Section 73. Section 63C-9-301 is amended to read:

2328 **63C-9-301. Board powers -- Subcommittees.**

2329 (1) The board shall:

2330 (a) except as provided in Subsection (2), exercise complete jurisdiction and
2331 stewardship over capitol hill facilities, capitol hill grounds, and the capitol hill complex;

2332 (b) preserve, maintain, and restore the capitol hill complex, capitol hill facilities,
2333 capitol hill grounds, and their contents;

2334 (c) before October 1 of each year, review and approve the executive director's annual
2335 budget request for submittal to the governor and Legislature;

2336 (d) by October 1 of each year, prepare and submit a recommended budget request for
2337 the upcoming fiscal year for the capitol hill complex to:

2338 (i) the governor, through the Governor's Office of Planning and Budget; and

2339 (ii) the Legislature's appropriations subcommittee responsible for capitol hill facilities,
2340 through the Office of the Legislative Fiscal Analyst;

2341 (e) review and approve the executive director's:

2342 (i) annual work plan;

2343 (ii) long-range master plan for the capitol hill complex, capitol hill facilities, and
2344 capitol hill grounds; and

2345 (iii) furnishings plan for placement and care of objects under the care of the board;

2346 (f) approve all changes to the buildings and their grounds, including:

2347 (i) restoration, remodeling, and rehabilitation projects;

2348 (ii) usual maintenance program; and

2349 (iii) any transfers or loans of objects under the board's care;

2350 (g) define and identify all significant aspects of the capitol hill complex, capitol hill

- 2351 facilities, and capitol hill grounds, after consultation with the:
- 2352 (i) Division of Facilities Construction and Management;
- 2353 (ii) State Library Division;
- 2354 (iii) Division of Archives and Records Service;
- 2355 (iv) ~~Division of State History~~ Utah Historical Society;
- 2356 (v) Office of Museum Services; and
- 2357 (vi) Arts Council;
- 2358 (h) inventory, define, and identify all significant contents of the buildings and all
- 2359 state-owned items of historical significance that were at one time in the buildings, after
- 2360 consultation with the:
- 2361 (i) Division of Facilities Construction and Management;
- 2362 (ii) State Library Division;
- 2363 (iii) Division of Archives and Records Service;
- 2364 (iv) ~~Division of State History~~ Utah Historical Society;
- 2365 (v) Office of Museum Services; and
- 2366 (vi) Arts Council;
- 2367 (i) maintain archives relating to the construction and development of the buildings, the
- 2368 contents of the buildings and their grounds, including documents such as plans, specifications,
- 2369 photographs, purchase orders, and other related documents, the original copies of which shall
- 2370 be maintained by the Division of Archives and Records Service;
- 2371 (j) comply with federal and state laws related to program and facility accessibility; and
- 2372 (k) establish procedures for receiving, hearing, and deciding complaints or other issues
- 2373 raised about the capitol hill complex, capitol hill facilities, and capitol hill grounds, or their
- 2374 use.
- 2375 (2) (a) Notwithstanding Subsection (1)(a), the supervision and control of the legislative
- 2376 area, as defined in Section [36-5-1](#), is reserved to the Legislature; and
- 2377 (b) the supervision and control of the governor's area, as defined in Section [67-1-16](#), is
- 2378 reserved to the governor.
- 2379 (3) (a) The board shall make rules to govern, administer, and regulate the capitol hill
- 2380 complex, capitol hill facilities, and capitol hill grounds by following the procedures and
- 2381 requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2382 (b) A violation of a rule relating to the use of the capitol hill complex adopted by the
2383 board under the authority of this Subsection (3) is an infraction.

2384 (c) If an act violating a rule under Subsection (3)(b) also amounts to an offense subject
2385 to a greater penalty under this title, Title 32B, Alcoholic Beverage Control Act, Title 41, Motor
2386 Vehicles, Title 76, Utah Criminal Code, or other provision of state law, Subsection (3)(b) does
2387 not prohibit prosecution and sentencing for the more serious offense.

2388 (d) In addition to any punishment allowed under Subsections (3)(b) and (c), a person
2389 who violates a rule adopted by the board under the authority of this Subsection (3) is subject to
2390 a civil penalty not to exceed \$2,500 for each violation, plus the amount of any actual damages,
2391 expenses, and costs related to the violation of the rule that are incurred by the state.

2392 (e) The board may take any other legal action allowed by law.

2393 (f) The board may not apply this section or rules adopted under the authority of this
2394 section in a manner that violates a person's rights under the Utah Constitution or the First
2395 Amendment to the United States Constitution, including the right of persons to peaceably
2396 assemble.

2397 (g) The board shall send proposed rules under this section to the legislative general
2398 counsel and the governor's general counsel for review and comment before the board adopts the
2399 rules.

2400 (4) The board is exempt from the requirements of Title 63G, Chapter 6a, Utah
2401 Procurement Code, but shall adopt procurement rules substantially similar to the requirements
2402 of that chapter.

2403 (5) The board shall name:

2404 (a) the House Building, that is defined in Section 36-5-1, the "Rebecca D. Lockhart
2405 House Building"; and

2406 (b) committee room 210 in the Senate Building, that is defined in Section 36-5-1, the
2407 "Allyson W. Gamble Committee Room".

2408 (6) (a) The board may:

2409 (i) establish subcommittees made up of board members and members of the public to
2410 assist and support the executive director in accomplishing the executive director's duties;

2411 (ii) establish fees for the use of capitol hill facilities and capitol hill grounds;

2412 (iii) assign and allocate specific duties and responsibilities to any other state agency, if

2413 the other agency agrees to perform the duty or accept the responsibility;

2414 (iv) contract with another state agency to provide services;

2415 (v) delegate by specific motion of the board any authority granted to it by this section

2416 to the executive director;

2417 (vi) in conjunction with Salt Lake City, expend money to improve or maintain public

2418 property contiguous to East Capitol Boulevard and capitol hill;

2419 (vii) provide wireless Internet service to the public without a fee in any capitol hill

2420 facility; and

2421 (viii) when necessary, consult with the:

2422 (A) Division of Facilities Construction and Management;

2423 (B) State Library Division;

2424 (C) Division of Archives and Records Service;

2425 (D) [~~Division of State History~~] Utah Historical Society;

2426 (E) Office of Museum Services; and

2427 (F) Arts Council.

2428 (b) The board's provision of wireless Internet service under Subsection (6)(a)(vii) shall

2429 be discontinued in the legislative area if the president of the Senate and the speaker of the

2430 House of Representatives each submit a signed letter to the board indicating that the service is

2431 disruptive to the legislative process and is to be discontinued.

2432 (c) If a budget subcommittee is established by the board, the following shall serve as ex

2433 officio, nonvoting members of the budget subcommittee:

2434 (i) the legislative fiscal analyst, or the analyst's designee, who shall be from the Office

2435 of the Legislative Fiscal Analyst; and

2436 (ii) the executive director of the Governor's Office of Planning and Budget, or the

2437 executive director's designee, who shall be from the Governor's Office of Planning and Budget.

2438 (d) If a preservation and maintenance subcommittee is established by the board, the

2439 board may, by majority vote, appoint one or each of the following to serve on the

2440 subcommittee as voting members of the subcommittee:

2441 (i) an architect, who shall be selected from a list of three architects submitted by the

2442 American Institute of Architects; or

2443 (ii) an engineer, who shall be selected from a list of three engineers submitted by the

2444 American Civil Engineers Council.

2445 (e) If the board establishes any subcommittees, the board may, by majority vote,
2446 appoint up to two people who are not members of the board to serve, at the will of the board, as
2447 nonvoting members of a subcommittee.

2448 (f) Members of each subcommittee shall, at the first meeting of each calendar year,
2449 select one individual to act as chair of the subcommittee for a one-year term.

2450 (7) (a) The board, and the employees of the board, may not move the office of the
2451 governor, lieutenant governor, president of the Senate, speaker of the House of
2452 Representatives, or a member of the Legislature from the State Capitol unless the removal is
2453 approved by:

2454 (i) the governor, in the case of the governor's office;

2455 (ii) the lieutenant governor, in the case of the lieutenant governor's office;

2456 (iii) the president of the Senate, in the case of the president's office or the office of a
2457 member of the Senate; or

2458 (iv) the speaker of the House of Representatives, in the case of the speaker's office or
2459 the office of a member of the House.

2460 (b) The board and the employees of the board have no control over the furniture,
2461 furnishings, and decorative objects in the offices of the governor, lieutenant governor, or the
2462 members of the Legislature except as necessary to inventory or conserve items of historical
2463 significance owned by the state.

2464 (c) The board and the employees of the board have no control over records and
2465 documents produced by or in the custody of a state agency, official, or employee having an
2466 office in a building on the capitol hill complex.

2467 (d) Except for items identified by the board as having historical significance, and
2468 except as provided in Subsection (7)(b), the board and the employees of the board have no
2469 control over moveable furnishings and equipment in the custody of a state agency, official, or
2470 employee having an office in a building on the capitol hill complex.

2471 Section 74. Section **63C-9-601** is amended to read:

2472 **63C-9-601. Responsibility for items.**

2473 Furniture, furnishings, fixtures, works of art, and decorative objects for which the board
2474 has responsibility under this chapter are not subject to the custody or control of the State

2475 Library Board, the State Library Division, the Division of Archives and Records Service, the
2476 [~~Division of State History~~] Utah Historical Society, the Division of Arts and Museums, the arts
2477 collection committee of the State of Utah Alice Merrill Horne Art Collection, or any other state
2478 agency.

2479 Section 75. Section **63L-11-202** is amended to read:

2480 **63L-11-202. Powers and duties of the office and executive director.**

2481 (1) The office shall:

2482 (a) make a report to the Constitutional Defense Council created under Section
2483 [63C-4a-202](#) concerning R.S. 2477 rights and other public lands issues under Title 63C, Chapter
2484 4a, Constitutional and Federalism Defense Act;

2485 (b) provide staff assistance to the Constitutional Defense Council created under Section
2486 [63C-4a-202](#) for meetings of the council;

2487 (c) (i) prepare and submit a constitutional defense plan under Section [63C-4a-403](#); and

2488 (ii) execute any action assigned in a constitutional defense plan;

2489 (d) develop public lands policies by:

2490 (i) developing cooperative contracts and agreements between the state, political
2491 subdivisions, and agencies of the federal government for involvement in the development of
2492 public lands policies;

2493 (ii) producing research, documents, maps, studies, analysis, or other information that
2494 supports the state's participation in the development of public lands policy;

2495 (iii) preparing comments to ensure that the positions of the state and political
2496 subdivisions are considered in the development of public lands policy; and

2497 (iv) partnering with state agencies and political subdivisions in an effort to:

2498 (A) prepare coordinated public lands policies;

2499 (B) develop consistency reviews and responses to public lands policies;

2500 (C) develop management plans that relate to public lands policies; and

2501 (D) develop and maintain a statewide land use plan that is based on cooperation and in
2502 conjunction with political subdivisions;

2503 (e) facilitate and coordinate the exchange of information, comments, and
2504 recommendations on public lands policies between and among:

2505 (i) state agencies;

- 2506 (ii) political subdivisions;
- 2507 (iii) the Office of Rural Development created under Section [63N-4-102](#);
- 2508 (iv) the coordinating committee;
- 2509 (v) School and Institutional Trust Lands Administration created under Section
- 2510 [53C-1-201](#);
- 2511 (vi) the committee created under Section [63A-16-507](#) to award grants to counties to
- 2512 inventory and map R.S. 2477 rights-of-way, associated structures, and other features; and
- 2513 (vii) the Constitutional Defense Council created under Section [63C-4a-202](#);
- 2514 (f) perform the duties established in [~~Title 9, Chapter 8, Part 3, Antiquities, and Title 9,~~
- 2515 ~~Chapter 8, Part 4, Historic Sites~~] Title 9, Chapter 8a, Part 3, Antiquities, and Title 9, Chapter
- 2516 8a, Part 4, Historic Sites;
- 2517 (g) consistent with other statutory duties, encourage agencies to responsibly preserve
- 2518 archaeological resources;
- 2519 (h) maintain information concerning grants made under Subsection (1)(j), if available;
- 2520 (i) report annually, or more often if necessary or requested, concerning the office's
- 2521 activities and expenditures to:
- 2522 (i) the Constitutional Defense Council; and
- 2523 (ii) the Legislature's Natural Resources, Agriculture, and Environment Interim
- 2524 Committee jointly with the Constitutional Defense Council;
- 2525 (j) make grants of up to 16% of the office's total annual appropriations from the
- 2526 Constitutional Defense Restricted Account to a county or statewide association of counties to
- 2527 be used by the county or association of counties for public lands matters if the executive
- 2528 director, with the advice of the Constitutional Defense Council, determines that the action
- 2529 provides a state benefit;
- 2530 (k) provide staff services to the Snake Valley Aquifer Advisory Council created in
- 2531 Section [63C-12-103](#);
- 2532 (l) coordinate and direct the Snake Valley Aquifer Research Team created in Section
- 2533 [63C-12-107](#);
- 2534 (m) conduct the public lands transfer study and economic analysis required by Section
- 2535 [63L-11-304](#); and
- 2536 (n) fulfill the duties described in Section [63L-10-103](#).

2537 (2) The executive director shall comply with Subsection 63C-4a-203(8) before
2538 submitting a comment to a federal agency, if the governor would be subject to Subsection
2539 63C-4a-203(8) in submitting the comment.

2540 (3) The office may enter into an agreement with another state agency to provide
2541 information and services related to:

2542 (a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and
2543 Classification Act;

2544 (b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and
2545 Classification Act, or R.S. 2477 matters; or

2546 (c) any other matter within the office's responsibility.

2547 (4) In fulfilling the duties under this part, the office shall consult, as necessary, with:

2548 (a) the Department of Natural Resources;

2549 (b) the Department of Agriculture and Food;

2550 (c) the Department of Environmental Quality;

2551 (d) other applicable state agencies;

2552 (e) political subdivisions of the state;

2553 (f) federal land management agencies; and

2554 (g) elected officials.

2555 Section 76. Section 63L-11-402 is amended to read:

2556 **63L-11-402. Membership -- Terms -- Chair -- Expenses.**

2557 (1) The Resource Development Coordinating Committee consists of the following 26
2558 members:

2559 (a) the state science advisor;

2560 (b) a representative from the Department of Agriculture and Food appointed by the
2561 commissioner of the Department of Agriculture and Food;

2562 (c) a representative from the Department of Cultural and Community Engagement
2563 appointed by the executive director of the Department of Cultural and Community
2564 Engagement;

2565 (d) a representative from the Department of Environmental Quality appointed by the
2566 executive director of the Department of Environmental Quality;

2567 (e) a representative from the Department of Natural Resources appointed by the

2568 executive director of the Department of Natural Resources;

2569 (f) a representative from the Department of Transportation appointed by the executive
2570 director of the Department of Transportation;

2571 (g) a representative from the Governor's Office of Economic Opportunity appointed by
2572 the director of the Governor's Office of Economic Opportunity;

2573 (h) a representative from the Housing and Community Development Division
2574 appointed by the director of the Housing and Community Development Division;

2575 (i) a representative from the [~~Division of State History~~] Utah Historical Society
2576 appointed by the director of the [~~Division of State History~~] Utah Historical Society;

2577 (j) a representative from the Division of Air Quality appointed by the director of the
2578 Division of Air Quality;

2579 (k) a representative from the Division of Drinking Water appointed by the director of
2580 the Division of Drinking Water;

2581 (l) a representative from the Division of Environmental Response and Remediation
2582 appointed by the director of the Division of Environmental Response and Remediation;

2583 (m) a representative from the Division of Waste Management and Radiation Control
2584 appointed by the director of the Division of Waste Management and Radiation Control;

2585 (n) a representative from the Division of Water Quality appointed by the director of the
2586 Division of Water Quality;

2587 (o) a representative from the Division of Oil, Gas, and Mining appointed by the
2588 director of the Division of Oil, Gas, and Mining;

2589 (p) a representative from the Division of Parks appointed by the director of the
2590 Division of Parks;

2591 (q) a representative from the Division of Outdoor Recreation appointed by the director
2592 of the Division of Outdoor Recreation;

2593 (r) a representative from the Division of Forestry, Fire, and State Lands appointed by
2594 the director of the Division of Forestry, Fire, and State Lands;

2595 (s) a representative from the Utah Geological Survey appointed by the director of the
2596 Utah Geological Survey;

2597 (t) a representative from the Division of Water Resources appointed by the director of
2598 the Division of Water Resources;

2599 (u) a representative from the Division of Water Rights appointed by the director of the
2600 Division of Water Rights;

2601 (v) a representative from the Division of Wildlife Resources appointed by the director
2602 of the Division of Wildlife Resources;

2603 (w) a representative from the School and Institutional Trust Lands Administration
2604 appointed by the director of the School and Institutional Trust Lands Administration;

2605 (x) a representative from the Division of Facilities Construction and Management
2606 appointed by the director of the Division of Facilities Construction and Management;

2607 (y) a representative from the Division of Emergency Management appointed by the
2608 director of the Division of Emergency Management; and

2609 (z) a representative from the Division of Conservation, created under Section 4-46-401,
2610 appointed by the director of the Division of Conservation.

2611 (2) (a) As particular issues require, the coordinating committee may, by majority vote
2612 of the members present, appoint additional temporary members to serve as ex officio voting
2613 members.

2614 (b) Those ex officio members may discuss and vote on the issue or issues for which
2615 they were appointed.

2616 (3) A chair shall be selected by a vote of 14 committee members with the concurrence
2617 of the executive director.

2618 (4) A member may not receive compensation or benefits for the member's service, but
2619 may receive per diem and travel expenses in accordance with:

2620 (a) Sections 63A-3-106 and 63A-3-107; and

2621 (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2622 63A-3-107.

2623 Section 77. Section 67-1-8.1 is amended to read:

2624 **67-1-8.1. Executive Residence Commission -- Recommendations as to use,**
2625 **maintenance, and operation of executive residence.**

2626 (1) The Legislature finds and declares that:

2627 (a) the state property known as the Thomas Kearns Mansion is a recognized state
2628 landmark possessing historical and architectural qualities that should be preserved; and

2629 (b) the Thomas Kearns Mansion was the first building listed on the National Register

2630 of Historic Places in the state.

2631 (2) As used in this section:

2632 (a) "Executive residence" includes the:

2633 (i) Thomas Kearns Mansion;

2634 (ii) Carriage House building; and

2635 (iii) grounds and landscaping surrounding the Thomas Kearns Mansion and the

2636 Carriage House building.

2637 (b) "Commission" means the Executive Residence Commission established in this

2638 section.

2639 (3) (a) An Executive Residence Commission is established to make recommendations
2640 to the Division of Facilities Construction and Management for the use, operation, maintenance,
2641 repair, rehabilitation, alteration, restoration, placement of art and monuments, or adoptive use
2642 of the executive residence.

2643 (b) The commission shall meet at least once a year and make any recommendations to
2644 the Division of Facilities Construction and Management prior to August 1 of each year.

2645 (4) The commission shall consist of nine voting members and one ex officio,
2646 nonvoting member representing the Governor's Mansion Foundation. The membership shall
2647 consist of:

2648 (a) three private citizens appointed by the governor, who have demonstrated an interest
2649 in historical preservation;

2650 (b) three additional private citizens appointed by the governor with the following
2651 background:

2652 (i) an interior design professional with a background in historic spaces;

2653 (ii) an architect with a background in historic preservation and restoration

2654 recommended by the Utah chapter of the American Institute of Architects; and

2655 (iii) a landscape architect with a background and knowledge of historic properties

2656 recommended by the Utah chapter of the American Society of Landscape Architects;

2657 (c) the director, or director's designee, of the Division of Art and Museums;

2658 (d) the director, or director's designee, of the [~~Division of State History~~] Utah

2659 Historical Society; and

2660 (e) the executive director, or executive director's designee, of the Department of

2661 Government Operations.

2662 (5) (a) Except as required by Subsection (5)(b), as terms of current commission
2663 members expire, the governor shall appoint each new member or reappointed member to a
2664 four-year term ending on March 1.

2665 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the
2666 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
2667 commission members are staggered so that approximately half of the commission is appointed
2668 every two years.

2669 (6) (a) The governor shall appoint a chair from among the membership of the
2670 commission.

2671 (b) Six members of the commission shall constitute a quorum, and either the chair or
2672 two other members of the commission may call meetings of the commission.

2673 (7) When a vacancy occurs in the membership for any reason, the replacement shall be
2674 appointed for the unexpired term.

2675 (8) A member may not receive compensation or benefits for the member's service, but
2676 may receive per diem and travel expenses in accordance with:

2677 (a) Section [63A-3-106](#);

2678 (b) Section [63A-3-107](#); and

2679 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
2680 [63A-3-107](#).

2681 (9) The Division of Facilities Construction and Management shall provide the
2682 administrative support to the commission.

2683 Section 78. Section **76-9-704** is amended to read:

2684 **76-9-704. Abuse or desecration of a dead human body -- Penalties.**

2685 (1) For purposes of this section, "dead human body" includes any part of a human body
2686 in any stage of decomposition, including ancient human remains as defined in Section
2687 [~~9-8-302~~] [9-8a-302](#).

2688 (2) A person is guilty of abuse or desecration of a dead human body if the person
2689 intentionally and unlawfully:

2690 (a) fails to report the finding of a dead human body to a local law enforcement agency;

2691 (b) disturbs, moves, removes, conceals, or destroys a dead human body or any part of

2692 it;

2693 (c) disinters a buried or otherwise interred dead human body, without authority of a
2694 court order;

2695 (d) dismembers a dead human body to any extent, or damages or detaches any part or
2696 portion of a dead human body; or

2697 (e) (i) commits or attempts to commit upon any dead human body any act of sexual
2698 penetration, regardless of the sex of the actor and of the dead human body; and

2699 (ii) as used in Subsection (2)(e)(i), "sexual penetration" means penetration, however
2700 slight, of the genital or anal opening by any object, substance, instrument, or device, including
2701 a part of the human body, or penetration involving the genitals of the actor and the mouth of
2702 the dead human body.

2703 (3) A person does not violate this section if when that person directs or carries out
2704 procedures regarding a dead human body, that person complies with:

2705 (a) [~~Title 9, Chapter 8, Part 3, Antiquities~~] Title 9, Chapter 8a, Part 3, Antiquities;

2706 (b) Title 26, Chapter 4, Utah Medical Examiner Act;

2707 (c) Title 26, Chapter 28, Revised Uniform Anatomical Gift Act;

2708 (d) Title 53B, Chapter 17, Part 3, Use of Dead Bodies for Medical Purposes;

2709 (e) Title 58, Chapter 9, Funeral Services Licensing Act; or

2710 (f) Title 58, Chapter 67, Utah Medical Practice Act, which concerns licensing to
2711 practice medicine.

2712 (4) (a) Failure to report the finding of a dead human body as required under Subsection
2713 (2)(a) is a class B misdemeanor.

2714 (b) Abuse or desecration of a dead human body as described in Subsections (2)(b)
2715 through (e) is a third degree felony.

2716 Section 79. **Repealer.**

2717 This bill repeals:

2718 Section **9-7-209, Depository libraries.**

2719 Section **9-7-210, Micrographics and other copying and transmission techniques.**

2720 Section **9-8-501, Short title.**

2721 Section **9-24-103, Main Street Program Advisory Committee -- Membership --**
2722 **Duties.**

2723 Section 80. **Effective date.**

2724 (1) Except as provided in Subsection (2), this bill takes effect on July 1, 2023.

2725 (2) The changes affecting Section [63N-10-202](#) take effect on May 3, 2023.

2726 Section 81. **Coordinating H.B. 302 with S.B. 57 -- Substantive and technical**
2727 **amendments.**

2728 If this H.B. 302 and S.B. 57, Sexual Abuse Material Amendments, both pass and
2729 become law, it is the intent of the Legislature that the Office of Legislative Research and
2730 General Counsel shall prepare the Utah Code database for publication on July 1, 2023, by:

2731 (1) amending Subsection [9-7-215\(2\)\(a\)\(i\)\(B\)](#) to read:

2732 "(B) that protects against access to visual depictions that are[:] child sexual abuse
2733 materials, harmful to minors, or obscene; and

2734 ~~[(F) child pornography;]~~

2735 ~~[(H) harmful to minors; or]~~

2736 ~~[(HH) obscene; and]"~~; and

2737 (2) amending Subsection [9-7-215\(2\)\(b\)\(i\)\(B\)](#) to read:

2738 "(B) that protects against access to visual depictions that are[:] child sexual abuse
2739 materials, harmful to minors, or obscene; and

2740 ~~[(F) child pornography; or]~~

2741 ~~[(H) obscene; and]"~~.