

CULTURAL AND COMMUNITY ENGAGEMENT AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christine F. Watkins

Senate Sponsor: Scott D. Sandall

LONG TITLE

General Description:

This bill modifies provisions related to cultural and community engagement.

Highlighted Provisions:

This bill:

- revises definitions;
- modifies the Utah Arts and Museums Advisory Board and its duties;
- modifies the Utah Historical Society's duties;
- modifies the State Historic Preservation Office's duties;
- modifies the Utah Commission on Service and Volunteerism and its duties; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

9-6-102, as last amended by Laws of Utah 2020, Chapter 419

9-6-201, as last amended by Laws of Utah 2020, Chapters 154, 419

9-6-202, as last amended by Laws of Utah 2020, Chapters 154, 419

9-6-301, as repealed and reenacted by Laws of Utah 2020, Chapter 419



28 **9-6-302**, as repealed and reenacted by Laws of Utah 2020, Chapter 419
29 **9-6-303**, as repealed and reenacted by Laws of Utah 2020, Chapter 419
30 **9-6-502**, as last amended by Laws of Utah 2020, Chapter 419
31 **9-6-504**, as last amended by Laws of Utah 2020, Chapter 419
32 **9-6-505**, as last amended by Laws of Utah 2020, Chapter 419
33 **9-7-101 (Superseded 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 160,
34 291
35 **9-7-101 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 157,
36 160 and 291 and last amended by Coordination Clause, Laws of Utah 2023, Chapter
37 291
38 **9-7-201**, as last amended by Laws of Utah 2023, Chapters 160, 291 and last amended
39 by Coordination Clause, Laws of Utah 2023, Chapter 291
40 **9-7-205**, as last amended by Laws of Utah 2023, Chapters 160, 291 and last amended
41 by Coordination Clause, Laws of Utah 2023, Chapter 291
42 **9-8-203**, as last amended by Laws of Utah 2023, Chapter 160
43 **9-8a-203**, as renumbered and amended by Laws of Utah 2023, Chapter 160
44 **9-20-201**, as last amended by Laws of Utah 2021, Chapter 184
45 **9-20-202**, as renumbered and amended by Laws of Utah 2019, Chapter 221
46 **9-20-204**, as renumbered and amended by Laws of Utah 2019, Chapter 221
47 **9-20-205**, as renumbered and amended by Laws of Utah 2019, Chapter 221
48 **9-20-206**, as renumbered and amended by Laws of Utah 2019, Chapter 221
49 **63I-1-209**, as last amended by Laws of Utah 2020, Chapters 154, 232 and last amended
50 by Coordination Clause, Laws of Utah 2020, Chapter 154

51 RENUMBERS AND AMENDS:

52 **9-8a-206**, (Renumbered from 9-8-906, as enacted by Laws of Utah 2023, Chapter 202)

53 REPEALS:

54 **9-6-305**, as repealed and reenacted by Laws of Utah 2020, Chapter 419

55 **9-6-306**, as repealed and reenacted by Laws of Utah 2020, Chapter 419

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

58 Section 1. Section **9-6-102** is amended to read:

9-6-102. Definitions.

As used in this chapter:

(1) ~~§~~→ **(a)** ~~←§~~ "Arts" means the various branches of creative human activity, including

visual arts,

film, performing arts, sculpture, literature, music, theater, dance, digital arts, video-game arts,

and cultural vitality.

~~§~~→ **(b) "Arts" includes traditional, folk, classical, ethnic, contemporary, and other art forms.**

~~←§~~

(2) "Arts and museums board" means the Utah Arts and Museums Advisory Board created in Section 9-6-301.

(3) "Development" includes:

(a) constructing, expanding, or repairing a museum or other facility that houses arts or cultural presentations;

(b) providing for public information, preservation, and access to museums, the arts, and the cultural heritage of the state; and

(c) supporting the professional development of artists, cultural administrators, and cultural leaders within the state.

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

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

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

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

(b) has an educational or aesthetic purpose;

(c) owns or curates a tangible collection; and

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

~~[(7) "Museums board" means the Utah Museums Advisory Board created in Section 9-6-305.]~~

Section 2. Section **9-6-201** is amended to read:

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

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

(2) The division shall:

(a) advance the interests of arts and museums in the state in all stages of development;

- 90 (b) promote and encourage the development of arts, museums, and culture in the state;
- 91 (c) support the efforts of state and local government and nonprofit arts, museums, and
- 92 cultural organizations to encourage the development of arts, museums, and culture in the state;
- 93 (d) provide assistance to museums in the state to improve museums' ability to:
- 94 (i) care for and manage collections;
- 95 (ii) develop quality educational resources such as exhibitions, collections, and
- 96 publications;
- 97 (iii) provide access to collections for research; and
- 98 (iv) provide other services as needed;
- 99 (e) assist arts and museum organizations in the state in cultural development as needed;
- 100 (f) cooperate with federal agencies and locally sponsor federal projects directed to the
- 101 development of arts, museums, and culture in the state;
- 102 (g) develop the influence of arts and museums in education and life-long learning;
- 103 (h) cooperate with the private sector, including businesses, charitable interests,
- 104 educational interests, manufacturers, agriculturalists, and industrialists in arts, museums, and
- 105 cultural endeavors;
- 106 (i) disseminate information related to arts, museums, and culture by utilizing broadcast
- 107 media and print media;
- 108 (j) foster, promote, encourage, and facilitate the study, creation, and appreciation of the
- 109 arts, museums, and culture in the state;
- 110 (k) foster, promote, encourage, and facilitate, the study, creation, and appreciation of
- 111 the works of indigenous artists in the state;
- 112 (l) advise state and local government agencies and employees regarding arts and
- 113 museums related issues, including arts and museums capital development projects;
- 114 (m) provide technical advice and information about sources of technical assistance to
- 115 arts, museums, and cultural organizations in the state;
- 116 (n) develop, coordinate, and support programs, workshops, seminars, and similar
- 117 activities that provide training for staff members of arts, museums, and cultural organizations
- 118 in the state;
- 119 (o) undertake research to understand the training needs of the arts, museums, and
- 120 cultural organizations community and assess how those needs can be met;

(p) administer grant programs to assist eligible arts, museums, and cultural organizations in the state; and

(q) create strategic partnerships to advance the development of arts, museums, and cultural organizations in the state.

Section 3. Section **9-6-202** is amended to read:

9-6-202. Division director.

(1) The chief administrative officer of the division shall be a director appointed by the executive director in consultation with the arts ~~[board and the]~~ and museums board.

(2) The director shall be a person experienced in administration and knowledgeable about the arts and museums.

(3) In addition to the division, the director is the chief administrative officer for~~[-(a)]~~ the Utah Arts and Museums Advisory Board created in Section ~~9-6-301~~[; and].

~~[(b) the Utah Museums Advisory Board created in Section 9-6-305.]~~

Section 4. Section **9-6-301** is amended to read:

9-6-301. Utah Arts and Museums Advisory Board.

(1) There is created within the division the Utah Arts and Museums Advisory Board.

(2) (a) Except as provided in Subsections (2)(b) and ~~[(2)(f)]~~ (2)(g), the arts and museums board shall consist of ~~[13]~~ up to 17 members appointed by the governor to four-year terms ~~[with the consent of the Senate]~~.

(b) The governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of arts and museums board members are staggered so that approximately half of the arts and museums board is appointed every two years.

(c) The governor shall appoint ~~[eight]~~ up to seven members who are working artists or administrators, one from each of the following areas:

(i) visual arts, architecture, or design;

~~[(ii) architecture or design;]~~

~~[(iii)]~~ (ii) literature;

~~[(iv)]~~ (iii) music;

~~[(v)]~~ (iv) folk, traditional, or native arts;

~~[(vi)]~~ (v) theater;

~~[(vii)]~~ (vi) dance; and

152 ~~[(viii)]~~ (vii) media arts.

153 (d) The governor shall appoint six members who are qualified, trained, and
154 experienced museum professionals, including three members, who each have a minimum of
155 five years continuous paid work experience at a museum.

156 ~~[(d)]~~ (e) The governor shall appoint ~~[three]~~ up to two members who are knowledgeable
157 in or appreciative of the arts or museums.

158 ~~[(e)]~~ (f) The governor shall appoint up to two members who have expertise in
159 technology, marketing, business, or finance.

160 ~~[(f)]~~ (g) Before January 1, ~~[2026]~~ 2027, the governor may appoint up to ~~[three]~~ seven
161 additional members who are knowledgeable in or appreciative of the arts or museums:

162 (i) for terms that shall end before ~~[January 1, 2026]~~ June 30, 2027; and

163 (ii) in which case the arts and museums board may consist of up to ~~[16]~~ 24 members
164 until ~~[January 1, 2026]~~ June 30, 2027.

165 (3) The governor shall appoint members from the state ~~[at large]~~ with due
166 consideration for organizational size and geographical representation.

167 (4) When a vacancy occurs in the membership for any reason, the governor shall
168 appoint a replacement member for the unexpired term within one month from the time of the
169 vacancy.

170 (5) A simple majority of the voting members of the arts and museums board constitutes
171 a quorum for the transaction of business.

172 (6) (a) The arts and museums board members shall elect a chair and a vice chair from
173 among the arts and museums board's members.

174 (b) The chair and the vice chair shall serve a term of up to two years.

175 (7) The arts and museums board shall meet at least ~~[once]~~ twice each year.

176 (8) A member of the arts and museums board may not receive compensation or
177 benefits for the member's service, but may receive per diem and travel expenses in accordance
178 with:

179 (a) Sections 63A-3-106 and 63A-3-107; and

180 (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
181 63A-3-107.

182 (9) Except as provided in Subsection (8), a member may not receive any gifts, prizes,

or awards of money from division funds during the member's term of office.

Section 5. Section **9-6-302** is amended to read:

9-6-302. Arts and museums board powers and duties.

(1) The arts and museums board may:

(a) with the concurrence of the director, make rules governing the conduct of the arts and museums board's business in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(b) receive gifts, bequests, and property.

(2) The arts and museums board shall:

(a) act in an advisory capacity for the division;

(b) appoint an arts acquisition collection committee as described in Section **9-6-303** to advise the division and the arts and museums board regarding the works of art acquired and maintained under this part; and

(c) with the concurrence of the director, approve the allocation of arts and museums grant money and State of Utah Alice Merrill Horne Art Collection acquisition funding.

Section 6. Section **9-6-303** is amended to read:

9-6-303. Art collection committee.

(1) (a) The arts and museums board with the concurrence of the director shall appoint an arts acquisition collection committee composed of any combination of artists, art historians, museum professionals, gallery owners, knowledgeable art collectors, art appraisers, ~~[and]~~ or judges of art.

(b) The arts collection committee shall make recommendations to the division and the arts and museums board regarding the works of art acquired and maintained as part of the State of Utah Alice Merrill Horne Art Collection created in Section **9-6-304**.

(2) (a) Except as provided in Subsection (2)(b), the arts and museums board with the concurrence of the director shall appoint each member of the arts collection committee to a four-year term.

(b) The arts and museums board shall, at the time of appointment or reappointment, adjust the length of the initial terms of arts collection committee members to ensure that the terms are staggered so that approximately half of the arts collection committee is appointed every two years.

(3) When a vacancy occurs in the membership of the arts acquisition collection committee, the replacement shall be recommended by the remaining members of the art collection committee and then appointed by the arts and museums board with the concurrence of the director for the unexpired term.

(4) A member of the arts collection committee may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Sections 63A-3-106 and 63A-3-107; and

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

Section 7. Section 9-6-502 is amended to read:

9-6-502. Utah Arts and Museums Endowment Fund.

(1) There is created an expendable special revenue fund known as the "Utah Arts and Museums Endowment Fund."

(2) The state fund shall be administered by the division in accordance with applicable law.

(3) Any administrative costs incurred by the division shall be reviewed by the appropriate appropriations committee of the Legislature.

(4) The state fund shall contain all money appropriated to the state fund by the Legislature, all federal funds received for purposes of this part, plus interest and other income earned on money in the state fund.

(5) The division shall distribute money in the state fund to qualifying arts and museum organizations to assist those organizations in creating their own arts and museums endowment funds.

(6) The division may use money in the state fund for expenses related to administering the state fund.

Section 8. Section 9-6-504 is amended to read:

9-6-504. Duties of the division.

The division, in accordance with the provisions of this part, shall:

(1) allocate money from the state fund to the endowment fund created by a qualifying organization under Section 9-6-503;

(2) determine the eligibility of each qualifying organization to receive money from the state fund;

(3) determine the matching amount each qualifying organization shall raise in order to qualify to receive money from the state fund;

(4) establish a date by which each qualifying organization shall provide its matching funds;

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

(6) (a) in accordance with the provisions of this part and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may establish criteria by rule for determining the eligibility of qualifying organizations to receive money from the state fund; and

(b) in making rules under this Subsection (6), the division may consider the recommendations of the arts ~~[board and the]~~ and museums board.

Section 9. Section **9-6-505** is amended to read:

9-6-505. Eligibility requirements of qualifying arts and museum organizations -- Allocation limitations -- Matching requirements.

(1) Any qualifying organization may apply to receive money from the state fund to be deposited in an endowment fund the organization has created under Section **9-6-503**:

(a) if the qualifying organization has received a grant from the division during one of the three years immediately before making application for state fund money under this Subsection (1); or

(b) upon recommendation of the arts and museums board ~~[or the museums board]~~ if the qualifying organization has not received a grant from the board within the past three years.

(2) (a) The maximum amount that may be allocated to each qualifying organization from the state fund shall be determined by the division by calculating the average cash income of the qualifying organization during the past three fiscal years as contained in the qualifying organization's final reports on file with the division.

(b) The division shall notify each qualifying organization of the maximum amount of money from the state fund for which the qualifying organization qualifies.

(c) The minimum amount that may be allocated to each qualifying organization from the state fund is \$2,500.

(d) If the maximum amount for which the organization qualifies under the calculation described in Subsection (2)(a) is less than \$2,500, the organization may still apply for \$2,500.

(3) (a) After the division determines that a qualifying organization is eligible to receive money from the state fund and before any money is allocated to the qualifying organization from the state fund, the qualifying organization shall match the amount qualified for with money raised and designated exclusively for that purpose.

(b) State money, in-kind contributions, and preexisting endowment gifts may not be used to match money from the state fund.

(4) The amount of match money described in Subsection (3) that a qualifying organization is required to provide shall be based on a sliding scale as follows:

(a) any amount requested not exceeding \$100,000 shall be matched one-to-one;

(b) any additional amount requested that makes the aggregate amount requested exceed \$100,000 but not exceed \$500,000 shall be matched two-to-one; and

(c) any additional amount requested that makes the aggregate amount requested exceed \$500,000 shall be matched three-to-one.

(5) (a) Qualifying organizations shall raise the matching amount within three years after applying for money from the state fund by a date determined by the division.

(b) Money from the state fund shall be released to the qualifying organization only upon verification by the board that the matching money has been received on or before the date determined under Subsection (5)(a).

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

(d) Money from the state fund shall be released to qualifying organizations with professional endowment management in increments not less than \$20,000 as audited confirmation of matching funds is received by the division.

(e) Money from the state fund shall be granted to each qualifying organization on the basis of the matching funds a qualifying organization has raised by the date determined under Subsection (5)(a).

Section 10. Section **9-7-101 (Superseded 07/01/24)** is amended to read:

9-7-101 (Superseded 07/01/24). Definitions.

As used in this chapter:

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

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

(3) "Division" means the State Library Division.

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

(5) "Legislative publication" means:

(a) the Utah Code after the legislative staff office prepares an updated Utah Code database incorporating amendments to the Utah Code;

(b) the Laws of Utah; and

(c) the Utah Constitution after the legislative staff office incorporates into the Utah Constitution amendments to the Utah Constitution that passed during the preceding regular general election.

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

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

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

(9) "Political subdivision" means a county, city, town, school district, public transit district, redevelopment agency, or special improvement or taxing district.

(10) (a) "State agency" means:

(i) the state; or

(ii) an office, department, division or other agency or instrumentality of the state.

(b) "State agency" does not include:

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

(ii) a political subdivision; or

(iii) a state institution of higher education.

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

(12) (a) "State publication" means any information issued or published by a state

agency for distribution.

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

(c) "State publication" does not include public information, as that term is defined in Section 63A-16-601.

Section 11. Section 9-7-101 (Effective 07/01/24) is amended to read:

9-7-101 (Effective 07/01/24). Definitions.

As used in this chapter:

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

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

(3) "Division" means the State Library Division.

(4) "Internet policy" means the public library online access policy required in Section 9-7-215.

(5) "Legislative staff office" means the Office of Legislative Research and General Counsel.

(6) "Legislative publication" means:

(a) the Utah Code after the legislative staff office prepares an updated Utah Code database incorporating amendments to the Utah Code;

(b) the Laws of Utah; and

(c) the Utah Constitution after the legislative staff office incorporates into the Utah Constitution amendments to the Utah Constitution that passed during the preceding regular general election.

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

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

(9) "Political subdivision" means a county, city, town, school district, public transit district, redevelopment agency, or special improvement or taxing district.

(10) (a) "State agency" means:

(i) the state; or

(ii) an office, department, division or other agency or instrumentality of the state.

(b) "State agency" does not include:

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

(ii) a political subdivision; or

(iii) a state institution of higher education.

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

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

(12) (a) "State publication" means any information issued or published by a state agency for distribution.

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

(c) "State publication" does not include public information, as that term is defined in Section 63A-16-601.

Section 12. Section 9-7-201 is amended to read:

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

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

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

(3) (a) The division shall function as the library authority for:

(i) general library services;

(ii) mobile library services;

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

(iv) other services considered proper for a state library.

(b) The division is responsible for ~~[publishing]~~ providing access to legislative publications, as provided in this part, that the legislative staff office deposits with the division.

Section 13. Section 9-7-205 is amended to read:

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

(1) The board shall:

(a) promote, develop, and organize a state library and make provisions for the state library's housing;

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

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

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

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

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

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

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

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

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

(k) administer a state publications and legislative publications library program by collecting state publications and legislative publications, providing access to state publications and legislative publications through the digital library, and providing a bibliographic

431 [information] control system;

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

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

436 (n) develop standards for public libraries.

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

439 Section 14. Section **9-8-203** is amended to read:

440 **9-8-203. Society duties.**

441 (1) The society shall:

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

444 (b) maintain a specialized history library;

445 (c) collect, preserve, and administer historical records relating to the history of Utah;

446 (d) administer, collect, preserve, document, interpret, develop, and exhibit historical
447 artifacts, documentary materials, and other objects relating to the history of Utah for
448 educational and cultural purposes;

449 (e) edit and publish historical records;

450 (f) cooperate with local, state, and federal agencies and schools and museums to
451 provide coordinated and organized activities for the collection, documentation, preservation,
452 interpretation, and exhibition of historical artifacts related to the state;

453 (g) promote, coordinate, and administer:

454 (i) Utah History Day at the Capitol designated under Section **63G-1-401**; and

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

458 (h) subject to legislative appropriations, provide grants and technical assistance as
459 necessary and appropriate;

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

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

(2) (a) The society may acquire or produce reproductions of historical artifacts and documentary materials for educational and cultural use.

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

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

(3) To promote an appreciation of Utah history and to increase heritage tourism in the state, the society shall:

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

~~[(ii)]~~ (b) enter into cooperative agreements with other groups and organizations to collect and maintain the information needed for the inventory described in Subsection (3)(a);

~~[(iii)]~~ (c) encourage the use of volunteers to help collect the information and to maintain the inventory described in Subsection (3)(a);

~~[(iv)]~~ (d) publicize the information in the inventory described in Subsection (3)(a) in a variety of forms and media, especially to encourage Utah citizens and tourists to visit the markers and monuments;

~~[(v)]~~ (e) work with public and private landowners, heritage organizations, and volunteer groups to help maintain, repair, and landscape around the markers and monuments; and

~~[(vi)]~~ (f) make the inventory described in Subsection (3)(a) available upon request to all other public and private history and heritage organizations, tourism organizations and businesses, and others~~;~~.

~~[(b)(i)]~~ create and maintain an inventory of all active and inactive cemeteries throughout the state;

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

493 ~~[(iii) encourage the use of volunteers to help collect the information and to maintain~~
494 ~~the inventory;]~~

495 ~~[(iv) encourage cemetery owners to create and maintain geographic information~~
496 ~~systems to record burial sites and encourage volunteers to do so for inactive and small historic~~
497 ~~cemeteries;]~~

498 ~~[(v) publicize the information in the inventory in a variety of forms and media;~~
499 ~~especially to encourage Utah citizens to participate in the care and upkeep of historic~~
500 ~~cemeteries;]~~

501 ~~[(vi) work with public and private cemeteries, heritage organizations, genealogical~~
502 ~~groups, and volunteer groups to help maintain, repair, and landscape cemeteries, grave sites,~~
503 ~~and tombstones; and]~~

504 ~~[(vii) make the inventory available upon request to all other public and private history~~
505 ~~and heritage organizations, tourism organizations and businesses, and others; and]~~

506 ~~[(c) (i) create and maintain a computerized record of cemeteries and burial locations in~~
507 ~~a state-coordinated and publicly accessible information system;]~~

508 ~~[(ii) gather information for the information system created and maintained under~~
509 ~~Subsection (3)(c)(i) and help maintain, repair, and landscape cemeteries, grave sites, and~~
510 ~~tombstones as described in Subsection (3)(b)(vi) by providing matching grants, upon approval~~
511 ~~by the board, to:]~~

512 ~~[(A) municipal cemeteries;]~~

513 ~~[(B) cemetery maintenance districts;]~~

514 ~~[(C) endowment care cemeteries;]~~

515 ~~[(D) private nonprofit cemeteries;]~~

516 ~~[(E) genealogical associations; and]~~

517 ~~[(F) other nonprofit groups with an interest in cemeteries; and]~~

518 ~~[(iii) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative~~
519 ~~Rulemaking Act, for granting matching funds under Subsection (3)(c)(ii) to ensure that:]~~

520 ~~[(A) professional standards are met; and]~~

521 ~~[(B) projects are cost effective:]~~

522 (4) This chapter may not be construed to authorize the society to acquire by purchase
523 any historical artifacts, documentary materials, or specimens that are restricted from sale by

524 federal law or the laws of any state, territory, or foreign nation.

525 Section 15. Section **9-8a-203** is amended to read:

526 **9-8a-203. Office duties.**

527 The office shall:

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

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

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

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

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

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

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

540 (8) administer the state program of federal assistance for historic preservation within
541 the state;

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

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

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

548 (a) public information;

549 (b) education;

550 (c) training; and

551 (d) technical assistance;

552 (12) cooperate with local governments in the development of local historic
553 preservation programs;

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

555 (a) federal undertakings that may affect historic properties; and
556 (b) advising and assisting in the evaluation of proposals for rehabilitation projects that
557 may qualify for federal assistance;

558 (14) (a) create and maintain an inventory of all active and inactive cemeteries
559 throughout the state;

560 (b) enter into cooperative agreements with local governments and other groups and
561 organizations to collect and maintain the information needed for the inventory described in
562 Subsection (14)(a);

563 (c) encourage the use of volunteers to help collect the information and to maintain the
564 inventory described in Subsection (14)(a);

565 (d) encourage cemetery owners, or in the case of inactive or small historic cemeteries,
566 volunteers, to create and maintain geographic information systems to record burial sites;

567 (e) publicize the information in the inventory described in Subsection (14)(a) in a
568 variety of forms and media, especially to encourage Utah citizens to participate in the care and
569 upkeep of historic cemeteries;

570 (f) work with public and private cemeteries, heritage organizations, genealogical
571 groups, and volunteer groups to help maintain, repair, and landscape cemeteries, grave sites,
572 and tombstones; and

573 (g) make the inventory described in Subsection (14)(a) available to any person upon
574 request;

575 (15) (a) create and maintain a public electronic record of each cemetery location and
576 each burial location;

577 (b) help maintain, repair, and landscape cemeteries, grave sites, and tombstones by
578 providing matching grants to:

579 (i) municipal cemeteries;

580 (ii) cemetery maintenance districts;

581 (iii) endowment care cemeteries;

582 (iv) private nonprofit cemeteries;

583 (v) genealogical associations; or

584 (vi) other nonprofit groups with an interest in cemeteries; and

585 (c) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative

Rulemaking Act, governing the process for awarding grants under Subsection (15)(b), including rules that ensure recipients use grant money for projects that are cost effective and completed in accordance with applicable professional standards;

~~[(14)]~~ (16) perform other duties as designated under 54 U.S.C. Sec. 302303; and

~~[(15)]~~ (17) perform other duties as designated by the department and by statute.

Section 16. Section **9-8a-206**, which is renumbered from Section 9-8-906 is renumbered and amended to read:

~~[9-8-906]. 9-8a-206. Utah Archaeological and Historic Sites Grant Program.~~

(1) The office shall:

(a) administer the money contained in the grant program; and

(b) select qualified recipients in accordance with Subsection (2).

(2) The office may distribute the money from the grant program to ~~the~~ **or on behalf of** a private landowner:

(a) that applies to the office, in a manner prescribed by the office, to receive ~~all or part of the money contained in~~ **funding or technical assistance through** the grant program; and

(b) **by direct payment to the landowner or a third party** for **work related to** identifying and protecting archaeological resources on the landowner's property, if the private landowner **or third party** contributes an amount of money **or in-kind work** equal to or greater than the amount of money ~~the landowner receives~~ **received** from the grant program.

Section 17. Section **9-20-201** is amended to read:

9-20-201. Creation -- Members -- Appointment -- Terms -- Vacancies -- Per diem and expenses.

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

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

(a) the lieutenant governor;

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

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

(d) the executive director of the Department of Cultural and Community Engagement or the executive director's designee;

(e) nine members appointed by the governor as follows:

(i) an individual with expertise in the educational, training, and developmental needs of youth, particularly disadvantaged youth;

- 617 (ii) an individual with experience in promoting the involvement of older adults in
618 volunteer service;
- 619 (iii) a representative of a community-based agency or organization within the state;
620 (iv) a representative of local government;
621 (v) a representative of a local labor organization in the state;
622 (vi) a representative of business;
623 (vii) an individual between the ages of 16 and 25 who participates in a volunteer or
624 service program;
- 625 (viii) a representative of a national service program; and
626 (ix) a representative of the volunteer sector; and
- 627 (f) six members appointed by the governor from among the following groups:
628 (i) local educators;
629 (ii) experts in the delivery of human, educational, cultural, environmental, or public
630 safety services to communities and individuals;
631 (iii) representatives of Native American tribes;
632 (iv) representatives of organizations that assist out-of-school youth or other at-risk
633 youth; or
634 (v) representatives of entities that receive assistance under the Domestic Volunteer
635 Service Act of 1973, 42 U.S.C. 4950 et seq.
- 636 (3) The nonvoting member of the commission is the [state] regional representative of
637 the corporation.
- 638 (4) (a) In appointing persons to serve on the commission, the governor shall ensure
639 that:
- 640 (i) no more than 10 voting members of the commission are members of the same
641 political party; and
642 (ii) no more than five voting members of the commission are state government
643 employees.
- 644 (b) In appointing persons to serve on the commission, the governor shall strive for
645 balance on the commission according to race, ethnicity, age, gender, [and] disability
646 characteristics, and geography.
- 647 (5) (a) Except as required by Subsection (5)(b), as terms of current commission

members expire, the governor shall appoint each new member or reappointed member to a three-year term.

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

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

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

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

(a) Section 63A-3-106;

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

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

Section 18. Section 9-20-202 is amended to read:

9-20-202. Election of commission chair and vice chair.

(1) The chair as of May 1, 2024, remains the chair until the completion of the chair's current term.

~~[(1)]~~ (2) Subject to Subsection ~~[(2)]~~ (3), the voting members of the commission shall elect a ~~chair and a~~ vice chair from among the voting members of the commission.

~~[(2)]~~ (3) The voting members of the commission may not elect the lieutenant governor as ~~chair or~~ vice chair of the commission.

~~[(3)]~~ (4) The chair and vice chair shall serve for a term of one year.

(5) The chair becomes the past chair after the chair completes the one-year term.

(6) The vice chair becomes the chair after the vice chair completes the one-year term.

(7) (a) Subject to Subsection (7)(b), if for any reason the chair does not complete a one-year term, the voting members of the commission shall elect a chair from among the voting members of the commission to complete the unexpired term.

(b) The voting members of the commission may not elect the lieutenant governor as the

chair of the commission.

Section 19. Section **9-20-204** is amended to read:

9-20-204. Meetings -- Quorum.

(1) The commission shall meet ~~[at least quarterly]~~ at least four times each year at the call of the chair.

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

~~[(3)]~~ (2) A commission quorum is a simple majority of the voting members.

Section 20. Section **9-20-205** is amended to read:

9-20-205. Commission duties.

(1) The commission shall:

(a) administer the selection, development, and oversight of programs funded and established by the act;

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

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

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

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

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

Section 21. Section **9-20-206** is amended to read:

9-20-206. Reporting and administration.

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

(a) experienced in administration; and

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

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

(3) The commission shall:

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

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

(4) The department shall provide administrative and staff support services to the commission.

Section 22. Section **63I-1-209** is amended to read:

63I-1-209. Repeal dates: Title 9.

(1) Section **9-6-303**, which creates the Arts Collection Committee, is repealed July 1, 2027.

~~[(2) Section **9-6-305**, which creates the Utah Museums Advisory Board, is repealed July 1, 2027.]~~

~~[(3)]~~ (2) Section **9-9-405**, which creates the Native American Remains Review Committee, is repealed July 1, 2025.

~~[(4)]~~ (3) Title 9, Chapter 20, Utah Commission on Service and Volunteerism Act, is repealed July 1, 2026.

Section 23. **Repealer.**

This bill repeals:

Section **9-6-305, Utah Museums Advisory Board.**

Section **9-6-306, Museums board power and duties.**

Section 24. **Effective date.**

This bill takes effect on May 1, 2024.