

1 **DEPARTMENT OF HERITAGE AND ARTS AMENDMENTS**

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Mike Winder**

5 Senate Sponsor: Derek L. Kitchen

6 Cosponsor:

7 Karen Kwan

8

9 **LONG TITLE**

10 **General Description:**

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

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ defines terms;
- 16 ▶ modifies provisions related to the department's requirements for pass-through
17 funding;
- 18 ▶ renumbers and modifies provisions related to the Utah Commission on Service and
19 Volunteerism;
- 20 ▶ modifies provisions related to the State Library Board, county library boards, and
21 city library boards;
- 22 ▶ modifies provisions related to historic sites;
- 23 ▶ creates the Division of Multicultural Affairs within the department and describes the
24 division's responsibilities;
- 25 ▶ creates the Utah Multicultural Commission and describes the commission's
26 membership and responsibilities;
- 27 ▶ creates the Utah Martin Luther King, Jr. Human Rights Commission and describes
28 the commission's membership and responsibilities; and

29 ▶ makes technical changes.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 **AMENDS:**

36 **9-1-201**, as last amended by Laws of Utah 2018, Chapter 200

37 **9-7-101**, as last amended by Laws of Utah 2017, Chapter 48

38 **9-7-202**, as enacted by Laws of Utah 1992, Chapter 241

39 **9-7-204**, as last amended by Laws of Utah 2016, Chapter 144

40 **9-7-402**, as renumbered and amended by Laws of Utah 1992, Chapter 241

41 **9-7-403**, as last amended by Laws of Utah 1997, Chapter 10

42 **9-7-404**, as renumbered and amended by Laws of Utah 1992, Chapter 241

43 **9-7-405**, as last amended by Laws of Utah 2005, Chapter 48

44 **9-7-406**, as renumbered and amended by Laws of Utah 1992, Chapter 241

45 **9-7-407**, as renumbered and amended by Laws of Utah 1992, Chapter 241

46 **9-7-408**, as renumbered and amended by Laws of Utah 1992, Chapter 241

47 **9-7-409**, as renumbered and amended by Laws of Utah 1992, Chapter 241

48 **9-7-502**, as last amended by Laws of Utah 1994, Chapter 45

49 **9-7-503**, as last amended by Laws of Utah 1993, Chapters 4, 78, and 227

50 **9-7-504**, as last amended by Laws of Utah 2010, Chapter 378

51 **9-7-505**, as last amended by Laws of Utah 2003, Chapter 47

52 **9-7-506**, as last amended by Laws of Utah 1993, Chapter 227

53 **9-7-507**, as last amended by Laws of Utah 2003, Chapter 47

54 **9-7-509**, as last amended by Laws of Utah 2003, Chapter 47

55 **9-8-102**, as last amended by Laws of Utah 2017, Chapter 48

56 **9-8-202**, as renumbered and amended by Laws of Utah 1992, Chapter 241

57 **9-8-204**, as last amended by Laws of Utah 2010, Chapter 286

58 **9-8-206**, as renumbered and amended by Laws of Utah 1992, Chapter 241

59 **9-8-402**, as last amended by Laws of Utah 1995, Chapter 170

60 **9-8-404**, as last amended by Laws of Utah 2016, Chapter 348

61 **9-8-805**, as last amended by Laws of Utah 2009, Chapter 388

62 ENACTS:

63 **9-21-101**, Utah Code Annotated 1953

64 **9-21-102**, Utah Code Annotated 1953

65 **9-21-201**, Utah Code Annotated 1953

66 **9-21-202**, Utah Code Annotated 1953

67 **9-21-203**, Utah Code Annotated 1953

68 **9-21-301**, Utah Code Annotated 1953

69 **9-21-302**, Utah Code Annotated 1953

70 **9-21-401**, Utah Code Annotated 1953

71 **9-21-402**, Utah Code Annotated 1953

72 RENUMBERS AND AMENDS:

73 **9-20-101**, (Renumbered from 9-1-801, as last amended by Laws of Utah 2014, Chapter
74 189)

75 **9-20-102**, (Renumbered from 9-1-802, as last amended by Laws of Utah 2013, Chapter
76 38)

77 **9-20-201**, (Renumbered from 9-1-803, as last amended by Laws of Utah 2013, Chapter
78 38)

79 **9-20-202**, (Renumbered from 9-1-805, as last amended by Laws of Utah 2013, Chapter
80 38)

81 **9-20-203**, (Renumbered from 9-1-806, as last amended by Laws of Utah 2013, Chapter
82 38)

83 **9-20-204**, (Renumbered from 9-1-808, as last amended by Laws of Utah 2013, Chapter
84 38)

85 9-20-205, (Renumbered from 9-1-809, as last amended by Laws of Utah 2013, Chapter
86 38)

87 9-20-206, (Renumbered from 9-1-810, as last amended by Laws of Utah 2013, Chapter
88 38)

89 9-20-207, (Renumbered from 9-1-811, as repealed and reenacted by Laws of Utah
90 2013, Chapter 38)

91 REPEALS:

92 9-8-601, as enacted by Laws of Utah 1991, Chapter 30

93 9-8-602, as enacted by Laws of Utah 1991, Chapter 30

94 9-8-603, as enacted by Laws of Utah 1991, Chapter 30



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

97 Section 1. Section 9-1-201 is amended to read:

98 **9-1-201. Department of Heritage and Arts -- Creation -- Powers and duties.**

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

100 (2) The department shall:

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

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

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

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

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

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

111 (g) ensure that any training or certification required of a public official or public
112 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter

113 22, State Training and Certification Requirements, if the training or certification is required:

114 (i) under this title;

115 (ii) by the department; or

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

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

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

121 (4) Money received under Subsection (3) shall be deposited in the General Fund as
122 ~~[restricted revenues of the department]~~ dedicated credits.

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

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

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

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

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

135 Section 2. Section **9-7-101** is amended to read:

136 **9-7-101. Definitions.**

137 As used in this chapter:

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

139 ~~[(1)]~~ (2) "Division" means the State Library Division.

140 ~~[(2)]~~ (3) "Library board" means the library board of directors appointed locally as

141 authorized by Section 9-7-402 or 9-7-502 and which exercises general policy authority for
142 library services within a city or county of the state, regardless of the title by which the board is
143 known locally.

144 ~~[(3)]~~ (4) "Physical format" means a transportable medium in which analog or digital
145 information is published, such as print, microform, magnetic disk, or optical disk.

146 ~~[(4)]~~ (5) "Policy" means the public library online access policy adopted by a library
147 board to meet the requirements of Section 9-7-215.

148 ~~[(5)]~~ (6) "Political subdivision" means a county, city, town, school district, public
149 transit district, redevelopment agency, or special improvement or taxing district.

150 ~~[(6)]~~ (7) "State agency" means:

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

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

154 ~~[(7)]~~ (8) (a) "State publication" means a book, compilation, directory, document,
155 contract or grant report, hearing memorandum, journal, law, legislative bill, magazine, map,
156 monograph, order, ordinance, pamphlet, periodical, proceeding, public memorandum,
157 resolution, register, rule, report, statute, audiovisual material, electronic publication,
158 micrographic form and tape or disc recording regardless of format or method of reproduction,
159 issued or published by a state agency or political subdivision for distribution.

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

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

164 **9-7-202. Appointment of director.**

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

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

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

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

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

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

175 **9-7-204. State Library Board -- Members -- Meetings -- Expenses.**

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

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

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

179 (i) the State Board of Education; and

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

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

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

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

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

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

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

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

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

196 (7) The governor shall select one of the board members as chair who shall serve for a

197 period of two years.

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

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

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

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

204 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
205 63A-3-107.

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

207 **9-7-402. Library board of directors -- Expenses.**

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

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

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

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

217 **9-7-403. Library board terms -- Officers -- Removal -- Vacancies.**

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

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

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

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

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

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

230 **9-7-404. Board powers and duties -- Library fund deposits and disbursements.**

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

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

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

236 (2) The library board shall:

237 (a) maintain and care for the library;

238 (b) establish policies for its operation; and

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

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

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

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

246 **9-7-405. Rules -- Use of library.**

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

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

253 upon terms and conditions it may prescribe by rule.

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

255 **9-7-406. Reports to governing body and director of the division.**

256 The library board of directors shall:

257 (1) ~~[make]~~ provide an annual report to the city governing body on the condition and
258 operation of the library, including a financial statement; and

259 ~~[(2) provide for the keeping of records required by the State Library Board in its
260 request for an annual report from the public libraries, and submit that annual report to the State
261 Library Board.]~~

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

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

265 **9-7-407. Librarian and other personnel.**

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

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

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

272 **9-7-408. Donations of money or property.**

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

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

279 **9-7-409. Entities may cooperate, merge, or consolidate in providing library**
280 **services.**

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

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

286 **9-7-502. Library board of directors -- Expenses.**

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

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

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

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

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

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

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

303 **9-7-503. Library board terms -- Officers -- Removal -- Vacancies.**

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

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

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

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

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

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

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

317 **9-7-504. Library board duties -- Library fund deposits.**

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

320 (a) be responsible for:

321 (i) the expenditure of the library fund;

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

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

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

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

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

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

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

335 **9-7-505. Rules -- Use of library.**

336 (1) [~~The~~] Each library board shall make library rules in a manner consistent with

337 county ordinances, policies, and procedures for the governing of the library.

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

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

342 **9-7-506. Annual reports.**

343 The library board of directors shall:

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

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

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

352 **9-7-507. Librarian and other personnel.**

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

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

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

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

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

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

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

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

367 **9-7-509. Entities may cooperate, merge, or consolidate in providing library**
368 **services.**

369 [~~Boards~~] Library boards of directors of city libraries, library boards of directors of
370 county libraries, boards of education, governing boards of other educational institutions, library
371 agencies, and local political subdivisions may cooperate in providing library services or merge
372 or consolidate under an interlocal agreement approved and implemented in accordance with
373 Title 11, Chapter 13, Interlocal Cooperation Act.

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

375 **9-8-102. Definitions.**

376 As used in this chapter:

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

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

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

380 (4) "Documentary materials" means written or documentary information contained in
381 published materials, manuscript collections, archival materials, photographs, sound recordings,
382 motion pictures, and other written, visual, and aural materials, except government records.

383 (5) "Historical artifacts" means objects produced or shaped by human efforts, a natural
384 object deliberately selected and used by a human, an object of aesthetic interest, and any
385 human-made objects produced, used, or valued by the historic peoples of Utah.

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

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

388 **9-8-202. Appointment of director.**

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

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

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

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

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

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

399 **9-8-204. Board of State History.**

400 (1) There is created within the department the Board of State History.

401 (2) The board shall consist of 11 members appointed by the governor with the consent
402 of the Senate as follows:

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

405 (b) other persons with an interest in the subject matter of the division's responsibilities.

406 (3) (a) Except as required by Subsection (3)(b), the members shall be appointed for
407 terms of four years and shall serve until their successors are appointed and qualified.

408 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
409 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
410 board members are staggered so that approximately half of the board is appointed every two
411 years.

412 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
413 appointed for the unexpired term with the consent of the Senate.

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

416 (6) The governor shall select a chair and vice chair from the board members.

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

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

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

421 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
422 63A-3-107.

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

424 **9-8-206. Historical magazine, books, documents, and microfilms -- Proceeds.**

425 (1) The division shall, under the direction of the board:

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

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

431 (2) Proceeds from sales under this section shall be [~~retained in the treasury of the~~
432 ~~society~~] deposited into the General Fund as a dedicated credit.

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

434 **9-8-402. Definitions -- Division duties.**

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

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

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

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

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

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

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

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

451 (2) The division shall:

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

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

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

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

457 **9-8-404. Agency responsibilities -- State historic preservation officer to comment**
458 **on undertaking -- Public Lands Policy Coordinating Office may require joint analysis.**

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

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

463 ~~[(ii) unless exempted by agreement between the agency and the state historic~~
464 ~~preservation officer, provide the state historic preservation officer with a written evaluation of~~
465 ~~the expenditure's or undertaking's effect on the historic property.]~~

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

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

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

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

474 (c) If the written evaluation described in Subsection (1)(a)(ii) demonstrates that there is
475 an adverse effect to a historic property, the agency shall enter into a formal written agreement
476 with the state historic preservation officer describing how each adverse effect will be mitigated

477 before the agency may expend state funds or provide financial assistance for the undertaking.

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

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

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

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

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

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

497 (ii) the ownership of the land involved;

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

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

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

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

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

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

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

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

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

523 [~~(4) (a) Once per month, the state historic preservation officer shall provide the Public
524 Lands Policy Coordinating Office with a list of comments the state historic preservation officer
525 intends to make or has made as required or authorized by the National Historic Preservation
526 Act, 54 U.S.C. Sec. 300101 et seq.]~~

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

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

531 **9-8-805. Collecting institutions -- Perfecting title -- Notice.**

532 (1) (a) [~~Any~~] A collecting institution wishing to perfect title in any repositied materials

533 held by it shall send, by registered mail, a notice containing the information required by [~~this~~
534 ~~section~~] Subsection (2) to the last-known address of the last-known owner of the property.

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

537 ~~[(i) if:]~~

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

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

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

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

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

546 (b) In addition to the requirements of Subsection (1)(a), a collecting institution shall
547 publish a notice containing the information required by Subsection (2) if:

548 (i) the owner or the address of the owner of the repositied materials is unknown;

549 (ii) the mailed notice is returned to the collecting institution without a forwarding
550 address; or

551 (iii) the owner does not claim the repositied materials within 90 days after the day on
552 which the notice was mailed.

553 (c) If required to publish a notice under Subsection (1)(b), the collecting institution, in
554 accordance with Section 45-1-101, shall publish the notice:

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

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

558 (2) [~~The notices~~] Each notice required by this section shall include:

559 (a) the name, if known, and the last-known address, if any, of the last-known owner of
560 the repositied materials;

561 (b) a description of the repositied materials;
 562 (c) the name of the collecting institution that has possession of the repositied materials
 563 and a person within that institution whom the owner may contact; and
 564 (d) a statement that if the repositied materials are not claimed within 90 days from the
 565 ~~[date that]~~ day on which the notice is published in accordance with Subsection (1)(b), the
 566 repositied materials are considered ~~[to be]~~ abandoned and become the property of the collecting
 567 institution.

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

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

573 **CHAPTER 20. UTAH COMMISSION ON SERVICE AND VOLUNTEERISM ACT**

574 **Part 1. General Provisions**

575 ~~[9-1-801].~~ **9-20-101. Title.**

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

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

580 ~~[9-1-802].~~ **9-20-102. Definitions.**

581 As used in this chapter:

582 (1) "Act" means the National Community and Service Trust Act of 1993, 42 U.S.C.
 583 12501 et seq.

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

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

588 Section 29. Section **9-20-201**, which is renumbered from Section 9-1-803 is

589 renumbered and amended to read:

590 **Part 2. Utah Commission on Service and Volunteerism**

591 **[~~9-1-803~~]. 9-20-201. Creation -- Members -- Appointment -- Terms --**

592 **Vacancies -- Per diem and expenses.**

593 (1) There is created the Utah Commission on Service and Volunteerism consisting of
594 19 voting members and one nonvoting member.

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

596 (a) the lieutenant governor;

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

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

599 (d) the executive director of the Department of Heritage and Arts or the executive
600 director's designee;

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

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

604 (ii) an individual with experience in promoting the involvement of older adults in
605 volunteer service;

606 (iii) a representative of a community-based agency or organization within the state;

607 (iv) a representative of local government;

608 (v) a representative of a local labor organization in the state;

609 (vi) a representative of business;

610 (vii) an individual between the ages of 16 and 25 who participates in a volunteer or
611 service program;

612 (viii) a representative of a national service program; and

613 (ix) a representative of the volunteer sector; and

614 (f) six members appointed by the governor from among the following groups:

615 (i) local educators;

616 (ii) experts in the delivery of human, educational, cultural, environmental, or public

617 safety services to communities and individuals;

618 (iii) representatives of Native American tribes;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

649 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
650 63A-3-107.

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

653 **~~[9-1-805].~~ 9-20-202. Election of commission chair and vice chair.**

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

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

658 ~~[(2)]~~ (3) The chair and ~~[vice-chair]~~ vice chair shall serve for a term of one year.

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

661 **~~[9-1-806].~~ 9-20-203. Commission chair and vice chair duties.**

662 (1) The chair shall:

663 (a) preside at meetings of the commission; and

664 (b) authorize and execute the actions of the commission.

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

666 (a) assist the chair;

667 (b) if the chair is absent, perform the duties of the chair;

668 (c) accept special assignments from the chair; and

669 (d) perform other duties as delegated by the commission.

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

672 **~~[9-1-808].~~ 9-20-204. Meetings -- Quorum.**

673 (1) The commission shall meet at least quarterly.

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

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

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

679 ~~[9-1-809]~~. **9-20-205. Commission duties.**

680 (1) The commission shall:

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

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

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

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

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

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

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

695 ~~[9-1-810]~~. **9-20-206. Reporting and administration.**

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

698 (a) experienced in administration; and

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

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

701 ~~[(1)]~~ (3) The commission shall:
 702 (a) report to the office of the lieutenant governor~~[-];~~ and
 703 (b) by January 1, provide an annual written report to the lieutenant governor on service
 704 and volunteerism in the state.

705 ~~[(2)]~~ (4) The ~~[Department of Heritage and Arts]~~ department shall provide
 706 administrative and staff support services to the commission.

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

709 ~~[9-1-811].~~ **9-20-207. Rulemaking.**

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

- 712 (1) implement this ~~[part]~~ chapter; and
- 713 (2) ensure the commission complies with the act and related federal requirements.

714 Section 36. Section **9-21-101** is enacted to read:

715 **CHAPTER 21. DIVISION OF MULTICULTURAL AFFAIRS ACT**

716 **Part 1. General Provisions**

717 **9-21-101. Title.**

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

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

720 **9-21-102. Definitions.**

721 As used in this chapter:

722 (1) "Commission" means the Utah Multicultural Commission created in Section
 723 9-21-301.

724 (2) "Director" means the director of the Division of Multicultural Affairs.

725 (3) "Division" means the Division of Multicultural Affairs created in Section 9-21-201.

726 (4) "Human rights commission" means the Utah Martin Luther King, Jr. Human Rights
 727 Commission created in Section 9-21-401.

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

729 **Part 2. Division of Multicultural Affairs**

730 **9-21-201. Creation.**

731 (1) There is created within the department the Division of Multicultural Affairs under
732 the administration and general supervision of the executive director.

733 (2) The division shall be under the policy direction of the executive director in
734 consultation with the director and the commission.

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

736 **9-21-202. Responsibilities of the division.**

737 The responsibilities of the division include:

738 (1) identifying the needs of the state's multicultural communities;

739 (2) promoting inclusiveness and cultivating trust and cooperation between the state,
740 nonprofit entities receiving state funds, and the state's multicultural communities; and

741 (3) working with state agencies to ensure the state provides equitable resources,
742 services, and programs to address the needs of the state's multicultural communities.

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

744 **9-21-203. Reporting requirements.**

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

748 (1) the division in meeting the division's responsibilities as described in this chapter;

749 (2) the commission in meeting the commission's responsibilities as described in this
750 chapter, including the strategic plan described in Section [9-21-302](#); and

751 (3) the human rights commission in meeting the human rights commission's
752 responsibilities as described in this chapter.

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

754 **Part 3. Utah Multicultural Commission**

755 **9-21-301. Creation of commission -- Membership -- Rulemaking.**

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

- 757 (2) The commission shall consist of:
- 758 (a) the lieutenant governor, who shall serve as chair of the commission; and
- 759 (b) at least 14 additional members appointed by the governor to two-year terms.
- 760 (3) Notwithstanding the requirements of Subsection (2)(b), the governor shall at the
- 761 time of appointment adjust the length of terms to ensure that the terms of commission members
- 762 are staggered so that approximately half of the commission is appointed every two years.
- 763 (4) The commission shall meet at least six times per year.
- 764 (5) A majority of the members of the commission constitutes a quorum of the
- 765 commission at any meeting, and the action of the majority of members present is the action of
- 766 the commission.
- 767 (6) A member appointed by the governor may be reappointed for one or more
- 768 additional terms.
- 769 (7) When a vacancy occurs in the membership, the governor shall appoint a
- 770 replacement for the unexpired term.
- 771 (8) A member may not receive compensation or benefits for the member's service, but
- 772 may receive per diem and travel expenses in accordance with:
- 773 (a) Sections [63A-3-106](#) and [63A-3-107](#); and
- 774 (b) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
- 775 [63A-3-107](#).
- 776 (9) The department shall make rules establishing the membership, duties, and
- 777 procedures of the commission in accordance with the requirements of:
- 778 (a) this chapter; and
- 779 (b) Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 780 (10) The department shall provide administrative support to the commission.
- 781 Section 9-21-302 is enacted to read:
- 782 **9-21-302. Commission duties.**
- 783 The commission shall:
- 784 (1) cooperate with the division and state agencies to ensure access to culturally

- 785 competent programs and services that meet the needs of the state's multicultural communities;
786 (2) make recommendations to the director regarding policies, practices, and procedures
787 to ensure the proper delivery of state resources, services, and programs to the state's
788 multicultural communities;
789 (3) cooperate with the division and state agencies to ensure proper outreach to the
790 state's multicultural communities regarding state resources, services, and programs; and
791 (4) develop a strategic plan to identify needs, goals, and deliverables that will directly
792 impact the most significant and urgent needs of the state's multicultural communities.

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

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

795 **9-21-401. Creation of human rights commission -- Membership -- Rulemaking.**

- 796 (1) There is created within the division the Utah Martin Luther King, Jr. Human Rights
797 Commission.
798 (2) (a) The human rights commission shall consist of 13 members appointed by the
799 governor to two-year terms.
800 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall at the
801 time of appointment adjust the length of terms to ensure that the terms of human rights
802 commission members are staggered so that approximately half of the human rights commission
803 is appointed every two years.
804 (3) The governor shall appoint one of the members as chair of the human rights
805 commission.
806 (4) The human rights commission shall meet at least quarterly.
807 (5) A majority of the members of the human rights commission constitutes a quorum
808 of the human rights commission at any meeting, and the action of the majority of members
809 present is the action of the human rights commission.
810 (6) A member appointed by the governor may not serve more than two consecutive
811 terms.
812 (7) When a vacancy occurs in the membership, the governor shall appoint a

813 replacement for the unexpired term.

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

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

817 (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
818 63A-3-107.

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

821 (a) this chapter; and

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

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

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

825 **9-21-402. Human rights commission duties.**

826 The human rights commission shall:

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

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

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

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

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

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

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

839 Section 45. **Repealer.**

840 This bill repeals:

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

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

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