

**Representative Brad R. Wilson** proposes the following substitute bill:

**OUTDOOR RECREATION GRANT PROGRAM**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ralph Okerlund**

House Sponsor: Brad R. Wilson

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**LONG TITLE**

**General Description:**

This bill creates the State Transient Room Tax Act and modifies provisions related to the Utah Office of Outdoor Recreation.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ imposes a state transient room tax on accommodations and related services;
- ▶ creates the Outdoor Recreation Infrastructure Account and the Hospitality and Tourism Management Education Account;
- ▶ distributes the revenues the state collects from the state transient room tax to:
  - the Outdoor Recreation Infrastructure Account to implement the Outdoor Recreational Infrastructure Grant Program; and
  - the Hospitality and Tourism Management Education Account to fund the Hospitality and Tourism Management Career and Technical Education Pilot Program; and
- ▶ establishes the Utah Outdoor Recreation Grant Advisory Committee.

**Money Appropriated in this Bill:**

None



26 **Other Special Clauses:**

27 This bill provides a special effective date.

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **63I-1-253**, as last amended by Laws of Utah 2016, Chapters 41, 63, and 169

31 **63I-1-259**, as last amended by Laws of Utah 2016, Chapters 350, 367, and 373

32 **63I-1-263**, as last amended by Laws of Utah 2016, Chapters 65, 136, 156, 322, and 408

33 **63N-9-102**, as last amended by Laws of Utah 2016, Chapter 88

34 **63N-9-203**, as enacted by Laws of Utah 2016, Chapter 88

35 ENACTS:

36 **53A-15-206**, Utah Code Annotated 1953

37 **53A-15-207**, Utah Code Annotated 1953

38 **59-28-101**, Utah Code Annotated 1953

39 **59-28-102**, Utah Code Annotated 1953

40 **59-28-103**, Utah Code Annotated 1953

41 **59-28-104**, Utah Code Annotated 1953

42 **59-28-105**, Utah Code Annotated 1953

43 **59-28-106**, Utah Code Annotated 1953

44 **59-28-107**, Utah Code Annotated 1953

45 **63N-9-204**, Utah Code Annotated 1953

46 **63N-9-205**, Utah Code Annotated 1953



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

49 Section 1. Section **53A-15-206** is enacted to read:

50 **53A-15-206. Hospitality and Tourism Management Career and Technical**

51 **Education Pilot Program.**

52 (1) As used in this section:

53 (a) "Board" means the State Board of Education.

54 (b) "Local education agency" means a school district or charter school.

55 (c) "Pilot program" means the Hospitality and Tourism Management Career and

56 Technical Education Pilot Program created under Subsection (2).

57 (2) There is created a Hospitality and Tourism Management Career and Technical  
58 Education Pilot Program to provide instruction that a local education agency may offer to a  
59 student in any of grades 9 through 12 on:

60 (a) the information and skills required for operational level employee positions in  
61 hospitality and tourism management, including:

- 62 (i) hospitality soft skills;
- 63 (ii) operational areas of the hospitality industry;
- 64 (iii) sales and marketing; and
- 65 (iv) safety and security; and

66 (b) the leadership and managerial responsibilities, knowledge, and skills required by an  
67 entry-level leader in hospitality and tourism management, including:

- 68 (i) hospitality leadership skills;
- 69 (ii) operational leadership;
- 70 (iii) managing food and beverage operations; and
- 71 (iv) managing business operations.

72 (3) The instruction described in Subsection (2) may be delivered in a public school  
73 using live instruction, video, or online materials.

74 (4) (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the board  
75 shall select one or more providers to supply materials and curriculum for the pilot program.

76 (b) The board may seek recommendations from trade associations and other entities  
77 that have expertise in hospitality and tourism management regarding potential providers of  
78 materials and curriculum for the pilot program.

79 (5) (a) A local education agency may apply to the board to participate in the pilot  
80 program.

81 (b) The board shall select participants in the pilot program.

82 (c) A local education agency that participates in the pilot program shall use the  
83 materials and curriculum supplied by a provider selected under Subsection (4).

84 (6) The board shall evaluate the pilot program and provide an annual written report to  
85 the Education Interim Committee and the Economic Development and Workforce Services  
86 Interim Committee on or before October 1 describing:

87 (a) how many local education agencies and how many students are participating in the

88 pilot program; and

89 (b) any recommended changes to the pilot program.

90 Section 2. Section **53A-15-207** is enacted to read:

91 **53A-15-207. Hospitality and Tourism Management Education Account -- Uses --**

92 **Costs.**

93 (1) There is created an expendable special revenue fund known as the "Hospitality and

94 Tourism Management Education Account," which the State Board of Education shall use to

95 fund the Hospitality and Tourism Management Career and Technical Education Pilot Program

96 created in Section [53A-15-206](#).

97 (2) The account consists of:

98 (a) distributions to the account under Section [59-28-103](#);

99 (b) interest earned on the account;

100 (c) appropriations made by the Legislature; and

101 (d) private donations, grants, gifts, bequests, or money made available from any other

102 source to implement this part.

103 (3) The State Board of Education shall administer the account.

104 (4) The cost of administering the account shall be paid from money in the account.

105 (5) Interest accrued from investment of money in the account shall remain in the

106 account.

107 Section 3. Section **59-28-101** is enacted to read:

108 **CHAPTER 28. STATE TRANSIENT ROOM TAX ACT**

109 **59-28-101. Title.**

110 This chapter is known as the "State Transient Room Tax Act."

111 Section 4. Section **59-28-102** is enacted to read:

112 **59-28-102. Definitions.**

113 As used in this chapter:

114 (1) "Agreement" means the same as that term is defined in Section [59-12-102](#).

115 (2) "Certified service provider" means the same as that term is defined in Section

116 [59-12-102](#).

117 (3) "Model 2 seller" means the same as that term is defined in Section [59-12-102](#).

118 (4) "Purchaser" means the same as that term is defined in Section [59-12-102](#).

119 (5) "Sales price" means the same as that term is defined in Section 59-12-102.

120 (6) "Seller" means the same as that term is defined in Section 59-12-102.

121 Section 5. Section **59-28-103** is enacted to read:

122 **59-28-103. Imposition -- Rate -- Revenue distribution.**

123 (1) Subject to the other provisions of this chapter, the state shall impose a tax on the  
124 transactions described in Subsection 59-12-103(1)(i) at a rate of .32%.

125 (2) The tax imposed under this chapter is in addition to any other taxes imposed on the  
126 transactions described in Subsection 59-12-103(1)(i).

127 (3) (a) (i) Subject to Subsection (3)(a)(ii), the commission shall deposit 6% of the  
128 revenue the state collects from the tax under this chapter into the Hospitality and Tourism  
129 Management Education Account created in Section 53A-15-207 to fund the Hospitality and  
130 Tourism Management Career and Technical Education Pilot Program created in Section  
131 53A-15-206.

132 (ii) The commission may not deposit more than \$300,000 into the Hospitality and  
133 Tourism Management Education Account under Subsection (3)(a)(i) in a fiscal year year.

134 (b) Except for the amount deposited into the Hospitality and Tourism Management  
135 Education Account under Subsection (3)(a) and the administrative charge retained under  
136 Subsection 59-28-104(4), the commission shall deposit any revenue the state collects from the  
137 tax under this chapter into the Outdoor Recreation Infrastructure Account created in Section  
138 63N-9-205 to fund the Outdoor Recreational Infrastructure Grant Program created in Section  
139 63N-9-202.

140 Section 6. Section **59-28-104** is enacted to read:

141 **59-28-104. Collection of tax.**

142 (1) Except as provided in Subsection (2), the commission shall administer, collect, and  
143 enforce a tax under this chapter in accordance with:

144 (a) Chapter 1, General Taxation Policies; and

145 (b) the same procedures used to administer, collect, and enforce the tax under Chapter  
146 12, Part 1, Tax Collection.

147 (2) A tax under this chapter is not subject to Section 59-12-107.1 or 59-12-123.

148 (3) A seller required to collect a tax under this chapter may retain 6% of any amounts  
149 the seller is required to remit to the commission under this chapter for the costs of collecting

150 the tax.

151 (4) The commission shall retain and deposit an administrative charge in accordance  
152 with Section 59-1-306 from the revenues the commission collects from a tax under this  
153 chapter.

154 Section 7. Section **59-28-105** is enacted to read:

155 **59-28-105. Seller or certified service provider reliance on commission**  
156 **information.**

157 A seller or certified service provider is not liable for failing to collect a tax at a tax rate  
158 imposed under this chapter if the seller's or certified service provider's failure to collect the tax  
159 is as a result of the seller's or certified service provider's reliance on incorrect data provided by  
160 the commission in a database created by the commission:

- 161 (1) containing tax rates or boundaries regarding a tax under this chapter; or
- 162 (2) indicating the taxability of transactions described in Subsection 59-12-103(1)(i).

163 Section 8. Section **59-28-106** is enacted to read:

164 **59-28-106. Certified service provider or model 2 seller reliance on commission**  
165 **certified software.**

166 (1) Except as provided in Subsection (2) and subject to Subsection (4), a certified  
167 service provider or model 2 seller is not liable for failing to collect a tax required under this  
168 chapter if:

169 (a) the certified service provider or model 2 seller relies on software the commission  
170 certifies; and

171 (b) the certified service provider's or model 2 seller's failure to collect a tax required  
172 under this chapter is as a result of the seller's or certified service provider's reliance on incorrect  
173 data:

- 174 (i) provided by the commission; or
- 175 (ii) in the software the commission certifies.

176 (2) The relief from liability described in Subsection (1) does not apply if a certified  
177 service provider or model 2 seller incorrectly classifies an item or transaction into a product  
178 category the commission certifies.

179 (3) If the taxability of a product category is incorrectly classified in software the  
180 commission certifies, the commission shall:

181 (a) notify a certified service provider or model 2 seller of the incorrect classification of  
182 the taxability of a product category in software the commission certifies; and

183 (b) state in the notice required by Subsection (3)(a) that, if the certified service provider  
184 or model 2 seller fails to correct the taxability of the item or transaction within 10 days after the  
185 day on which the certified service provider or model 2 seller receives the notice, the certified  
186 service provider or model 2 seller is liable for failing to collect the correct amount of tax under  
187 this chapter on the incorrectly classified product category.

188 (4) If a certified service provider or model 2 seller fails to correct the taxability of an  
189 item or transaction within 10 days after the day on which the certified service provider or  
190 model 2 seller receives the notice described in Subsection (3), the certified service provider or  
191 model 2 seller is liable for failing to collect the correct amount of tax under this chapter on the  
192 item or transaction.

193 Section 9. Section **59-28-107** is enacted to read:

194 **59-28-107. Purchaser relief from liability.**

195 (1) (a) Except as provided in Subsection (1)(b), a purchaser is relieved from a penalty  
196 under Section [59-1-401](#) for failure to pay a tax due under this chapter or an underpayment if:

197 (i) the purchaser's seller or certified service provider relies on incorrect data provided  
198 by the commission:

199 (A) on a tax rate;

200 (B) on a boundary;

201 (C) on a taxing jurisdiction; or

202 (D) in the taxability matrix the commission provides in accordance with the agreement;

203 or

204 (ii) the purchaser, regardless of whether the purchaser holds a direct payment permit in  
205 accordance with Section [59-12-107.1](#), relies on incorrect data provided by the commission:

206 (A) on a tax rate;

207 (B) on a boundary;

208 (C) on a taxing jurisdiction; or

209 (D) in the taxability matrix the commission provides in accordance with the agreement.

210 (b) For purposes of Subsection (1)(a), a purchaser is not relieved from a penalty under  
211 Section [59-1-401](#) for failure to pay a tax due under this chapter or an underpayment if the

212 purchaser's, the purchaser's seller's, or the purchaser's certified service provider's reliance on  
213 incorrect data provided by the commission is as a result of conduct that is:

- 214 (i) fraudulent;
- 215 (ii) intentional; or
- 216 (iii) willful.

217 (2) In addition to the relief from a penalty described in Subsection (1), a purchaser is  
218 not liable for a tax or interest under Section [59-1-402](#) for failure to pay a tax due under this  
219 chapter or an underpayment if:

220 (a) the purchaser's seller or certified service provider relies on:

221 (i) incorrect data provided by the commission:

- 222 (A) on a tax rate;
- 223 (B) on a boundary; or
- 224 (C) on a taxing jurisdiction; or

225 (ii) an erroneous classification by the commission:

226 (A) in the taxability matrix the commission provides in accordance with the agreement;

227 and

228 (B) with respect to a term in the library of definitions that is listed as taxable or  
229 exempt, included in or excluded from "sales price," or included in or excluded from a  
230 definition; or

231 (b) the purchaser, regardless of whether the purchaser holds a direct payment permit in  
232 accordance with Section [59-12-107.1](#), relies on:

233 (i) incorrect data provided by the commission:

- 234 (A) on a tax rate;
- 235 (B) on a boundary; or
- 236 (C) on a taxing jurisdiction; or

237 (ii) an erroneous classification by the commission:

238 (A) in the taxability matrix the commission provides in accordance with the agreement;

239 and

240 (B) with respect to a term in the library of definitions that is listed as taxable or  
241 exempt, included in or excluded from "sales price," or included in or excluded from a  
242 definition.



243 Section 10. Section **63I-1-253** is amended to read:

244 **63I-1-253. Repeal dates, Titles 53, 53A, and 53B.**

245 The following provisions are repealed on the following dates:

246 (1) Subsection [53-10-202](#)(18) is repealed July 1, 2018.

247 (2) Section [53-10-202.1](#) is repealed July 1, 2018.

248 (3) Title 53A, Chapter 1a, Part 6, Public Education Job Enhancement Program<sub>2</sub> is  
249 repealed July 1, 2020.

250 (4) Section [53A-13-106.5](#) is repealed July 1, 2019.

251 (5) Section [53A-15-106](#) is repealed July 1, 2019.

252 (6) Sections [53A-15-206](#) and [53A-15-207](#) are repealed January 1, 2023.

253 [~~(6)~~] (7) Subsections [53A-16-113](#)(3) and (4) are repealed December 31, 2016.

254 [~~(7)~~] (8) Section [53A-16-114](#) is repealed December 31, 2016.

255 [~~(8)~~] (9) Section [53A-17a-163](#), Performance-based Compensation Pilot Program, is  
256 repealed July 1, 2016.

257 [~~(9)~~] (10) Title 53A, Chapter 31, Part 4, American Indian and Alaskan Native  
258 Education State Plan Pilot Program, is repealed July 1, 2022.

259 [~~(10)~~] (11) Section [53B-24-402](#), Rural residency training program, is repealed July 1,  
260 2020.

261 [~~(11)~~] (12) Subsection [53C-3-203](#)(4)(b)(vii), which provides for the distribution of  
262 money from the Land Exchange Distribution Account to the Geological Survey for test wells,  
263 other hydrologic studies, and air quality monitoring in the West Desert, is repealed July 1,  
264 2020.

265 Section 11. Section **63I-1-259** is amended to read:

266 **63I-1-259. Repeal dates, Title 59.**

267 (1) Subsection [59-2-924](#)(7) is repealed on December 31, 2016.

268 (2) Subsection [59-2-924.2](#)(9) is repealed on December 31, 2017.

269 (3) Section [59-2-924.3](#) is repealed on December 31, 2016.

270 (4) Section [59-7-618](#) is repealed July 1, 2020.

271 (5) Section [59-9-102.5](#) is repealed December 31, 2020.

272 (6) Section [59-10-1033](#) is repealed July 1, 2020.

273 (7) Subsection [59-12-2219](#)(13) is repealed on June 30, 2020.

274 (8) Title 59, Chapter 28, State Transient Room Tax Act, is repealed on January 1,  
275 2023.

276 Section 12. Section **63I-1-263** is amended to read:

277 **63I-1-263. Repeal dates, Titles 63A to 63N.**

278 (1) Subsection **63A-5-104**(4)(h) is repealed on July 1, 2024.

279 (2) Section **63A-5-603**, State Facility Energy Efficiency Fund, is repealed July 1, 2023.

280 (3) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July  
281 1, 2018.

282 (4) Title 63C, Chapter 4b, Commission for the Stewardship of Public Lands, is  
283 repealed November 30, 2019.

284 (5) Title 63C, Chapter 16, Prison Development Commission Act, is repealed July 1,  
285 2020.

286 (6) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is  
287 repealed July 1, 2021.

288 (7) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,  
289 2020.

290 (8) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.

291 (9) On July 1, 2025:

292 (a) in Subsection **17-27a-404**(3)(c)(ii), the language that states "the Resource  
293 Development Coordinating Committee," is repealed;

294 (b) Subsection **23-14-21**(2)(c) is amended to read "(c) provide notification of proposed  
295 sites for the transplant of species to local government officials having jurisdiction over areas  
296 that may be affected by a transplant.";

297 (c) in Subsection **23-14-21**(3), the language that states "and the Resource Development  
298 Coordinating Committee" is repealed;

299 (d) in Subsection **23-21-2.3**(1), the language that states "the Resource Development  
300 Coordinating Committee created in Section **63J-4-501** and" is repealed;

301 (e) in Subsection **23-21-2.3**(2), the language that states "the Resource Development  
302 Coordinating Committee and" is repealed;

303 (f) Subsection **63J-4-102**(1) is repealed and the remaining subsections are renumbered  
304 accordingly;

- 305 (g) Subsections 63J-4-401(5)(a) and (c) are repealed;
- 306 (h) Subsection 63J-4-401(5)(b) is renumbered to Subsection 63J-4-401(5)(a) and the  
307 word "and" is inserted immediately after the semicolon;
- 308 (i) Subsection 63J-4-401(5)(d) is renumbered to Subsection 63J-4-401(5)(b);
- 309 (j) Sections 63J-4-501, 63J-4-502, 63J-4-503, 63J-4-504, and 63J-4-505 are repealed;  
310 and
- 311 (k) Subsection 63J-4-603(1)(e)(iv) is repealed and the remaining subsections are  
312 renumbered accordingly.
- 313 (10) The Crime Victim Reparations and Assistance Board, created in Section  
314 63M-7-504, is repealed July 1, 2017.
- 315 (11) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2017.
- 316 (12) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2018.
- 317 (13) (a) Title 63N, Chapter 2, Part 4, Recycling Market Development Zone Act, is  
318 repealed January 1, 2021.
- 319 (b) Subject to Subsection (13)(c), Sections 59-7-610 and 59-10-1007 regarding tax  
320 credits for certain persons in recycling market development zones, are repealed for taxable  
321 years beginning on or after January 1, 2021.
- 322 (c) A person may not claim a tax credit under Section 59-7-610 or 59-10-1007:
- 323 (i) for the purchase price of machinery or equipment described in Section 59-7-610 or  
324 59-10-1007, if the machinery or equipment is purchased on or after January 1, 2021; or
- 325 (ii) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), if  
326 the expenditure is made on or after January 1, 2021.
- 327 (d) Notwithstanding Subsections (13)(b) and (c), a person may carry forward a tax  
328 credit in accordance with Section 59-7-610 or 59-10-1007 if:
- 329 (i) the person is entitled to a tax credit under Section 59-7-610 or 59-10-1007; and
- 330 (ii) (A) for the purchase price of machinery or equipment described in Section  
331 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before December 31,  
332 2020; or
- 333 (B) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), the  
334 expenditure is made on or before December 31, 2020.
- 335 (14) Section 63N-2-512 is repealed on July 1, 2021.

336 (15) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed  
337 January 1, 2021.

338 (b) Section 59-9-107 regarding tax credits against premium taxes is repealed for  
339 calendar years beginning on or after January 1, 2021.

340 (c) Notwithstanding Subsection (15)(b), an entity may carry forward a tax credit in  
341 accordance with Section 59-9-107 if:

342 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December  
343 31, 2020; and

344 (ii) the qualified equity investment that is the basis of the tax credit is certified under  
345 Section 63N-2-603 on or before December 31, 2023.

346 (16) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program,  
347 is repealed January 1, 2023.

348 [(16)] (17) Title 63N, Chapter 12, Part 3, Utah Broadband Outreach Center, is repealed  
349 July 1, 2018.

350 Section 13. Section 63N-9-102 is amended to read:

351 **63N-9-102. Definitions.**

352 As used in this chapter:

353 (1) "Accessible to the general public," in relation to the awarding of an infrastructure  
354 grant, means:

355 (a) the public may use the infrastructure in accordance with federal and state  
356 regulations; and

357 (b) no community or group retains exclusive rights to access the infrastructure.

358 (2) "Director" means the director of the outdoor recreation office.

359 (3) "Executive director" means the executive director of GOED.

360 (4) "Infrastructure grant" means an outdoor recreational infrastructure grant described  
361 in Section 63N-9-202.

362 (5) "Outdoor recreation office" means the Utah Office of Outdoor Recreation created in  
363 Section 63N-9-104.

364 (6) (a) "Recreational infrastructure project" means an undertaking to build or improve  
365 the approved facilities[~~, services,~~] and installations needed for the public to access and enjoy  
366 the state's outdoors.

- 367 (b) "Recreational infrastructure project" may include the:
- 368 (i) establishment, construction, or renovation of a trail, trail infrastructure, or trail
- 369 facilities;
- 370 (ii) construction of a project for water-related outdoor recreational activities;
- 371 (iii) development of a project for wildlife watching opportunities, including bird
- 372 watching;
- 373 (iv) development of a project that provides winter recreation amenities;
- 374 (v) construction or improvement of a community park that has amenities for outdoor
- 375 recreation; and
- 376 (vi) construction or improvement of a naturalistic and accessible playground~~[; and]~~.
- 377 ~~[(vii) development, establishment, or expansion of a program for youth related to~~
- 378 ~~outdoor recreation.]~~

379 (7) "Underserved or underprivileged community" means a group of people, including a

380 municipality, county, or American Indian tribe that:

- 381 (a) has limited access or has demonstrated a low level of use of recreational
- 382 infrastructure; and
- 383 (b) is economically disadvantaged.

384 Section 14. Section **63N-9-203** is amended to read:

385 **63N-9-203. Rulemaking and requirements for awarding an infrastructure grant.**

386 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

387 outdoor recreation office shall make rules establishing the eligibility and reporting criteria for

388 an entity to receive an infrastructure grant, including:

- 389 (a) the form and process of submitting an application to the outdoor recreation office
- 390 for an infrastructure grant;
- 391 (b) which entities are eligible to apply for an infrastructure grant;
- 392 (c) specific categories of recreational infrastructure projects that are eligible for an
- 393 infrastructure grant;
- 394 (d) the method and formula for determining grant amounts; and
- 395 (e) the reporting requirements of grant recipients.

396 (2) In determining the award of an infrastructure grant, the outdoor recreation office

397 may prioritize a recreational infrastructure project that will serve an underprivileged or

398 underserved community.

399 (3) An infrastructure grant may only be awarded by the executive director after  
400 consultation with the director and the board.

401 (4) The following entities may not receive an infrastructure grant under this part:

402 (a) a federal government entity;

403 (b) a state agency; and

404 (c) a for-profit entity.

405 (5) An infrastructure grant may only be awarded under this part:

406 (a) for a recreational infrastructure project that is accessible to the general public; and

407 (b) subject to Subsections (6) and (7), if the grant recipient agrees to provide matching  
408 funds having a value equal to or greater than the amount of the infrastructure grant.

409 (6) Up to 50% of the grant recipient match described in Subsection (5)(b) may be  
410 provided through an in-kind contribution by the grant recipient, if:

411 (a) approved by the executive director after consultation with the director and the  
412 board; and

413 (b) the in-kind donation does not include real property.

414 (7) An infrastructure grant may not be awarded under this part if the grant, or the grant  
415 recipient match described in Subsection (5)(b), will be used for the purchase of real property or  
416 for the purchase or transfer of a conservation easement.

417 Section 15. Section **63N-9-204** is enacted to read:

418 **63N-9-204. Utah Outdoor Recreation Grant Advisory Committee -- Membership**  
419 **-- Duties -- Expenses.**

420 (1) As used in this section, "advisory committee" means the Utah Outdoor Recreation  
421 Grant Advisory Committee created in Subsection (2).

422 (2) There is created in the office the Utah Outdoor Recreation Grant Advisory  
423 Committee, composed of the following 14 members:

424 (a) five members representing state or federal government as follows:

425 (i) the director;

426 (ii) the director of the Division of Parks and Recreation created in Section [79-4-201](#) or  
427 the director's designee;

428 (iii) one member who is an employee of the office engaged in the duties described in

429 Section 63N-7-201, appointed by the executive director;

430 (iv) one member representing the Bureau of Land Management, appointed by the  
431 executive director; and

432 (v) one member representing the National Park Service Rivers, Trails and  
433 Conservation Assistance Program, appointed by the executive director;

434 (b) nine members representing local government, the private sector, or the public that  
435 are knowledgeable about outdoor recreation activities or tourism-based economic development,  
436 appointed by the executive director as follows:

437 (i) one member representing municipal government, recommended by the Utah League  
438 of Cities and Towns;

439 (ii) one member representing county government, recommended by the Utah  
440 Association of Counties;

441 (iii) two members representing the outdoor industry;

442 (iv) one member representing the Utah Tourism Industry Association;

443 (v) one member representing the Utah Hotel and Lodging Association;

444 (vi) one member representing the health care industry;

445 (vii) one member representing multi-ability groups or programs; and

446 (viii) one member representing a university outdoor recreation, parks, or tourism  
447 department; and

448 (c) one of the members appointed under Subsection (2)(b)(i) or (ii) shall represent rural  
449 interests.

450 (3) The advisory committee shall advise and make recommendations to the office  
451 regarding infrastructure grants.

452 (4) (a) Except as required by Subsection (4)(b), as terms of appointed advisory  
453 committee members expire, the executive director shall appoint each new member or  
454 reappointed member to a four-year term.

455 (b) Notwithstanding the requirements of Subsection (4)(a), the executive director shall,  
456 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms  
457 of appointed advisory committee members are staggered so that approximately half of the  
458 appointed advisory committee members are appointed every two years.

459 (5) The director shall serve as chair of the advisory committee.

460 (6) The advisory committee shall elect annually a vice chair from the advisory  
461 committee's members.

462 (7) When a vacancy occurs in the membership for any reason, the executive director  
463 shall appoint the replacement for the unexpired term.

464 (8) A majority of the advisory committee constitutes a quorum for the purpose of  
465 conducting advisory committee business and the action of a majority of a quorum constitutes  
466 the action of the advisory committee.

467 (9) The office shall provide administrative staff support for the advisory committee.

468 (10) A member may not receive compensation or benefits for the member's service, but  
469 a member appointed under Subsection (2)(b) may receive per diem and travel expenses in  
470 accordance with:

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

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

473 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
474 [63A-3-107](#).

475 (11) The advisory committee, as a governmental entity, has all the rights, privileges,  
476 and immunities of a governmental entity of the state and the advisory committee meetings are  
477 subject to Title 52, Chapter 4, Open and Public Meetings Act.

478 Section 16. Section **63N-9-205** is enacted to read:

479 **63N-9-205. Utah Outdoor Recreation Infrastructure Account -- Uses -- Costs.**

480 (1) There is created an expendable special revenue fund known as the "Outdoor  
481 Recreation Infrastructure Account," which the office shall use to fund the Outdoor Recreational  
482 Infrastructure Grant Program created in Section [63N-9-202](#).

483 (2) The account consists of:

484 (a) distributions to the account under Section [59-28-103](#);

485 (b) interest earned on the account;

486 (c) appropriations made by the Legislature; and

487 (d) private donations, grants, gifts, bequests, or money made available from any other  
488 source to implement this part.

489 (3) The office shall, with the advice of the Utah Outdoor Recreation Grant Advisory  
490 Committee created in Section [63N-9-204](#), administer the account.



491 (4) The cost of administering the account shall be paid from money in the account.

492 (5) Interest accrued from investment of money in the account shall remain in the  
493 account.

494 Section 17. **Effective date.**

495 This bill takes effect on January 1, 2018.