

OUTDOOR RECREATION GRANT AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ralph Okerlund

House Sponsor: _____

LONG TITLE

General Description:

This bill addresses outdoor recreation grants.

Highlighted Provisions:

This bill:

- ▶ modifies the Outdoor Recreation Infrastructure Account;
- ▶ defines terms;
- ▶ creates the Recreation Restoration Infrastructure Grant Program;
- ▶ provides for the award of recreation restoration infrastructure grants;
- ▶ addresses rulemaking authority;
- ▶ requires reporting; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2019:

- ▶ to the Governor's Office of Economic Development -- Outdoor Recreational Infrastructure Grant Account as an ongoing appropriation:
 - from dedicated credits, \$1,000,000.

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:



28 63N-9-204, as enacted by Laws of Utah 2017, Chapter 166

29 63N-9-205, as enacted by Laws of Utah 2017, Chapter 166

30 ENACTS:

31 63N-9-301, Utah Code Annotated 1953

32 63N-9-302, Utah Code Annotated 1953

33 63N-9-303, Utah Code Annotated 1953



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

36 Section 1. Section 63N-9-204 is amended to read:

37 **63N-9-204. Utah Outdoor Recreation Grant Advisory Committee -- Membership**
38 **-- Duties -- Expenses.**

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

41 (2) There is created in the outdoor recreation office the Utah Outdoor Recreation Grant
42 Advisory Committee, composed of the following 14 members:

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

44 (i) the director;

45 (ii) the director of the Division of Parks and Recreation created in Section 79-4-201 or
46 the director's designee;

47 (iii) one member who is an employee of the outdoor recreation office engaged in the
48 duties described in Section 63N-7-201, appointed by the executive director;

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

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

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

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

58 (ii) one member representing county government, recommended by the Utah

59 Association of Counties;

60 (iii) two members representing the outdoor industry;

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

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

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

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

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

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

69 (3) The advisory committee shall advise and make recommendations to the outdoor
70 recreation office regarding infrastructure grants and grants issued under Part 3, Restoration
71 Recreation Infrastructure Grant Program.

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

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

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

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

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

84 (8) A majority of the advisory committee constitutes a quorum for the purpose of
85 conducting advisory committee business and the action of a majority of a quorum constitutes
86 the action of the advisory committee.

87 (9) The outdoor recreation office shall provide administrative staff support for the
88 advisory committee.

89 (10) A member may not receive compensation or benefits for the member's service, but

90 a member appointed under Subsection (2)(b) may receive per diem and travel expenses in
91 accordance with:

- 92 (a) Section 63A-3-106;
- 93 (b) Section 63A-3-107; and
- 94 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
95 63A-3-107.

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

99 Section 2. Section 63N-9-205 is amended to read:

100 **63N-9-205. Utah Outdoor Recreation Infrastructure Account -- Uses -- Costs.**

101 (1) There is created an expendable special revenue fund known as the "Outdoor
102 Recreation Infrastructure Account," which the outdoor recreation office shall use to fund the
103 Outdoor Recreational Infrastructure Grant Program created in Section 63N-9-202 and the
104 Recreation Restoration Infrastructure Grant Program created in Section 63N-9-302.

105 (2) The account consists of:

- 106 (a) distributions to the account under Section 59-28-103;
- 107 (b) interest earned on the account;
- 108 (c) appropriations made by the Legislature; [~~and~~]
- 109 (d) money from a cooperative agreement entered into with the United States

110 Department of Agriculture or the United States Department of the Interior; and

111 [~~(d)~~] (e) private donations, grants, gifts, bequests, or money made available from any
112 other source to implement this part.

113 (3) The outdoor recreation office shall, with the advice of the Utah Outdoor Recreation
114 Grant Advisory Committee created in Section 63N-9-204, administer the account.

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

116 (5) Interest accrued from investment of money in the account shall remain in the
117 account.

118 Section 3. Section 63N-9-301 is enacted to read:

119 **Part 3. Restoration Recreation Infrastructure Grant Program**

120 **63N-9-301. Definitions.**

121 As used in this part:

122 (1) "Advisory committee" means the Utah Outdoor Recreation Grant Advisory
123 Committee created in Section 63N-9-204.

124 (2) "Grant program" means the Recreation Restoration Infrastructure Grant Program
125 created in Section 63N-9-302.

126 (3) "High demand outdoor recreation amenity" means infrastructure necessary for a
127 campground, picnic area, or water recreation structure such as a dock, pier, or boat ramp that
128 receives or has received heavy use by the public.

129 (4) "High priority trail" means a motorized or nonmotorized recreation summer-use
130 trail and related infrastructure that is prioritized by the advisory committee for restoration or
131 rehabilitation to maintain usability and sustainability of trails that receive or have received high
132 use by the public.

133 (5) "Public lands" includes local, state, and federal lands.

134 (6) "Rehabilitation or restoration" means returning an outdoor recreation structure or
135 trail that has been degraded, damaged, or destroyed to its previously useful state by means of
136 repair, modification, or alteration.

137 Section 4. Section 63N-9-302 is enacted to read:

138 **63N-9-302. Creation of grant program.**

139 (1) (a) There is created a supplemental grant program within the Outdoor Recreational
140 Infrastructure Grant Program, created in Section 63N-9-202, known as the "Recreation
141 Restoration Infrastructure Grant Program" administered by the outdoor recreation office.

142 (b) Subject to Subsection (1)(c), 5% percent of the unencumbered amount in the Utah
143 Outdoor Recreation Account, created in Section 63N-9-205, at the beginning of each fiscal year
144 may be used for the grant program.

145 (c) The percentage outlined in Subsection (1)(b) may be increased or decreased at the
146 beginning of a fiscal year if approved by the executive director after consultation with the
147 director and the advisory committee.

148 (2) The outdoor recreation office may seek to accomplish the following objectives in
149 administering the grant program:

150 (a) rehabilitate or restore high priority trails for both motorized and nonmotorized uses;

151 (b) rehabilitate or restore high demand recreation areas on public lands; and

152 (c) encourage the public land entities to engage with volunteer groups to aid with
153 portions of needed trail work.

154 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
155 outdoor recreation office shall make rules establishing the eligibility and reporting criteria for
156 an entity to receive a recreation restoration infrastructure grant, including:

157 (a) the form and process of submitting annual project proposals to the outdoor
158 recreation office for a recreation restoration infrastructure grant;

159 (b) which entities are eligible to apply for a recreation restoration infrastructure grant;

160 (c) specific categories of recreation restoration projects that are eligible for a recreation
161 restoration infrastructure grant;

162 (d) the method and formula for determining recreation restoration infrastructure grant
163 amounts; and

164 (e) the reporting requirements of a recipient of a recreation restoration infrastructure
165 grant.

166 Section 5. Section **63N-9-303** is enacted to read:

167 **63N-9-303. Award of recreation restoration infrastructure grants.**

168 (1) In determining the award of a recreation restoration infrastructure grant, the
169 advisory committee shall prioritize projects that the advisory committee considers to be high
170 demand outdoor recreation amenities or high priority trails.

171 (2) The outdoor recreation office may give special consideration to projects from
172 qualified applicants within rural counties to ensure geographic parity of the awarded money.

173 (3) (a) An applicant shall use a recreation restoration infrastructure grant to leverage
174 private and other nonstate public money and the outdoor recreation office may give priority to
175 projects that exceed a 50% match from the applicant.

176 (b) Leverage includes cash, resources, goods, or services necessary to complete a
177 project.

178 (c) The outdoor recreation office shall apply money from a cooperative agreement
179 entered into with the United States Department of Agriculture or the United States Department
180 of the Interior as a portion of the applicant's match.

181 (4) A recreation restoration infrastructure grant may only be awarded by the executive
182 director after consultation with the director and the advisory committee.

183 (5) A recreation restoration infrastructure grant is available for rehabilitation or
184 restoration projects for high demand outdoor recreation amenities and high priority trails that
185 relate directly to the visitor including:

186 (a) a trail, trail head infrastructure, signage, and crossing infrastructure, for both
187 nonmotorized and motorized recreation;

188 (b) a campground or picnic area;

189 (c) water recreation infrastructure, including a pier, dock, or boat ramp; and

190 (d) recreation facilities that are accessible to visitors with disabilities.

191 (6) The following are not eligible for a recreation restoration infrastructure grant:

192 (a) general facility operations and administrative costs;

193 (b) land acquisitions;

194 (c) visitor facilities, as defined by the outdoor recreation office by rule made in
195 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

196 (d) water and utility systems; and

197 (e) employee housing.

198 (7) The outdoor recreation office shall compile data and report to the Business,

199 Economic Development, and Labor Appropriations Subcommittee on the:

200 (a) effectiveness of the grant program in addressing the deferred maintenance and
201 repair backlog of trails, campgrounds, and other recreation amenities on public lands;

202 (b) estimated value of the rehabilitation or restoration projects;

203 (c) number of miles of trails that are rehabilitated or restored; and

204 (d) leverage of state money to federal and private money and in-kind services such as
205 volunteer labor.

206 **Section 6. Appropriation.**

207 The following sums of money are appropriated for the fiscal year beginning July 1,
208 2018, and ending June 30, 2019. These are additions to amounts previously appropriated for
209 fiscal year 2019. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
210 Act, the Legislature appropriates the following sums of money from the funds or accounts
211 indicated for the use and support of the government of the state of Utah.

212 ITEM 1

213 To Governor's Officer of Economic Development -- Outdoor Recreation Infrastructure

214	<u>Account</u>	
215	<u>From Dedicated Credits</u>	<u>\$1,000,000</u>
216	<u>Schedule of Programs:</u>	
217	<u>Outdoor Recreation Infrastructure Account</u>	<u>\$1,000,000</u>

218 Section 7. **Effective date.**

219 If approved by two-thirds of all the members elected to each house, this bill takes effect
220 upon approval by the governor, or the day following the constitutional time limit of Utah
221 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
222 the date of veto override.