

**Senator Ralph Okerlund** proposes the following substitute bill:

**OUTDOOR RECREATION GRANT AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ralph Okerlund**

House Sponsor: Carl R. Albrecht

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**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:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

**59-28-103**, as last amended by Laws of Utah 2018, Chapter 415



26 [63N-9-204](#), as enacted by Laws of Utah 2017, Chapter 166

27 [63N-9-205](#), as enacted by Laws of Utah 2017, Chapter 166

28 ENACTS:

29 [63N-9-301](#), Utah Code Annotated 1953

30 [63N-9-302](#), Utah Code Annotated 1953

31 [63N-9-303](#), Utah Code Annotated 1953



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

34 Section 1. Section [59-28-103](#) is amended to read:

35 **[59-28-103. Imposition -- Rate -- Revenue distribution.](#)**

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

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

40 (3) (a) (i) Subject to Subsection (3)(a)(ii), the commission shall deposit 6% of the  
41 revenue the state collects from the tax under this chapter into the Hospitality and Tourism  
42 Management Education Account created in Section [53F-9-501](#) to fund the Hospitality and  
43 Tourism Management Career and Technical Education Pilot Program created in Section  
44 [53E-3-515](#).

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

47 (b) Except for the amount deposited into the Hospitality and Tourism Management  
48 Education Account under Subsection (3)(a) and the administrative charge retained under  
49 Subsection [59-28-104](#)(4), the commission shall deposit any revenue the state collects from the  
50 tax under this chapter into the Outdoor Recreation Infrastructure Account created in Section  
51 [63N-9-205](#) to fund the Outdoor Recreational Infrastructure Grant Program created in Section  
52 [63N-9-202](#) and the Recreation Infrastructure Grant Program created in Section [63N-9-302](#).

53 Section 2. Section [63N-9-204](#) is amended to read:

54 **[63N-9-204. Utah Outdoor Recreation Grant Advisory Committee -- Membership](#)**  
55 **[-- Duties -- Expenses.](#)**

56 (1) As used in this section, "advisory committee" means the Utah Outdoor Recreation

57 Grant Advisory Committee created in Subsection (2).

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

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

61 (i) the director;

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

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

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

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

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

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

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

77 (iii) two members representing the outdoor industry;

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

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

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

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

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

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

86 (3) The advisory committee shall advise and make recommendations to the outdoor  
87 recreation office regarding infrastructure grants and grants issued under Part 3, Restoration

88 Recreation Infrastructure Grant Program.

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

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

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

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

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

101 (8) A majority of the advisory committee constitutes a quorum for the purpose of  
102 conducting advisory committee business and the action of a majority of a quorum constitutes  
103 the action of the advisory committee.

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

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

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

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

111 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
112 [63A-3-107](#).

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

116 Section 3. Section **63N-9-205** is amended to read:

117 **63N-9-205. Utah Outdoor Recreation Infrastructure Account -- Uses -- Costs.**

118 (1) There is created an expendable special revenue fund known as the "Outdoor

119 Recreation Infrastructure Account," which the outdoor recreation office shall use to fund the  
120 Outdoor Recreational Infrastructure Grant Program created in Section 63N-9-202 and the  
121 Recreation Restoration Infrastructure Grant Program created in Section 63N-9-302.

- 122 (2) The account consists of:
- 123 (a) distributions to the account under Section 59-28-103;
- 124 (b) interest earned on the account;
- 125 (c) appropriations made by the Legislature; [~~and~~]
- 126 (d) money from a cooperative agreement entered into with the United States  
127 Department of Agriculture or the United States Department of the Interior; and  
128 [~~(d)~~] (e) private donations, grants, gifts, bequests, or money made available from any  
129 other source to implement this part.

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

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

133 (5) Interest accrued from investment of money in the account shall remain in the  
134 account.

135 Section 4. Section 63N-9-301 is enacted to read:

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

137 **63N-9-301. Definitions.**

138 As used in this part:

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

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

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

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

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

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

154 Section 5. Section **63N-9-302** is enacted to read:

155 **63N-9-302. Creation of grant program.**

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

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

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

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

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

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

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

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

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

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

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

179 (d) the method and formula for determining recreation restoration infrastructure grant  
180 amounts; and

181 (e) the reporting requirements of a recipient of a recreation restoration infrastructure  
182 grant.

183 Section 6. Section **63N-9-303** is enacted to read:

184 **63N-9-303. Award of recreation restoration infrastructure grants.**

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

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

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

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

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

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

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

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

205 (b) a campground or picnic area;

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

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

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

209 (a) general facility operations and administrative costs;

210 (b) land acquisitions;

211 (c) visitor facilities, as defined by the outdoor recreation office by rule made in

212 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

213 (d) water and utility systems; and

214 (e) employee housing.

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

216 Economic Development, and Labor Appropriations Subcommittee on the:

217 (a) effectiveness of the grant program in addressing the deferred maintenance and

218 repair backlog of trails, campgrounds, and other recreation amenities on public lands;

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

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

221 (d) leverage of state money to federal and private money and in-kind services such as

222 volunteer labor.

223 Section 7. **Effective date.**

224 If approved by two-thirds of all the members elected to each house, this bill takes effect

225 upon approval by the governor, or the day following the constitutional time limit of Utah

226 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,

227 the date of veto override.