

SB0249S01 compared with SB0249

~~text~~ shows text that was in SB0249 but was deleted in SB0249S01.

Inserted text shows text that was not in SB0249 but was inserted into SB0249S01.

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Senator Ralph Okerlund proposes the following substitute bill:

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:

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~~{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.} 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

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

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

ENACTS:

63N-9-301, Utah Code Annotated 1953

63N-9-302, Utah Code Annotated 1953

63N-9-303, Utah Code Annotated 1953

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

Section 1. Section 59-28-103 is amended to read:

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

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

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

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

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

(b) Except for the amount deposited into the Hospitality and Tourism Management

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Education Account under Subsection (3)(a) and the administrative charge retained under Subsection 59-28-104(4), the commission shall deposit any revenue the state collects from the tax under this chapter into the Outdoor Recreation Infrastructure Account created in Section 63N-9-205 to fund the Outdoor Recreational Infrastructure Grant Program created in Section 63N-9-202 and the Recreation Infrastructure Grant Program created in Section 63N-9-302.

Section ~~63N-9-202~~. Section **63N-9-204** is amended to read:

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

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

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

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

(i) the director;

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

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

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

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

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

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

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

(iii) two members representing the outdoor industry;

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

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- (v) one member representing the Utah Hotel and Lodging Association;
 - (vi) one member representing the health care industry;
 - (vii) one member representing multi-ability groups or programs; and
 - (viii) one member representing a university outdoor recreation, parks, or tourism department; and
- (c) one of the members appointed under Subsection (2)(b)(i) or (ii) shall represent rural interests.

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

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

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

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

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

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

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

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

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

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

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

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

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

Section ~~{2}~~3. Section **63N-9-205** is amended to read:

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

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

(2) The account consists of:

(a) distributions to the account under Section 59-28-103;

(b) interest earned on the account;

(c) appropriations made by the Legislature; [~~and~~]

(d) money from a cooperative agreement entered into with the United States

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

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

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

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

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

Section ~~{3}~~4. Section **63N-9-301** is enacted to read:

Part 3. Restoration Recreation Infrastructure Grant Program

63N-9-301. Definitions.

As used in this part:

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

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

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

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

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

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

Section ~~{4}~~5. Section **63N-9-302** is enacted to read:

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

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

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

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

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

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

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

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

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

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outdoor recreation office shall make rules establishing the eligibility and reporting criteria for an entity to receive a recreation restoration infrastructure grant, including:

- (a) the form and process of submitting annual project proposals to the outdoor recreation office for a recreation restoration infrastructure grant;
- (b) which entities are eligible to apply for a recreation restoration infrastructure grant;
- (c) specific categories of recreation restoration projects that are eligible for a recreation restoration infrastructure grant;
- (d) the method and formula for determining recreation restoration infrastructure grant amounts; and
- (e) the reporting requirements of a recipient of a recreation restoration infrastructure grant.

Section ~~5~~6. Section **63N-9-303** is enacted to read:

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

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

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

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

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

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

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

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

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

(b) a campground or picnic area;

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

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

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

(a) general facility operations and administrative costs;

(b) land acquisitions;

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

(d) water and utility systems; and

(e) employee housing.

(7) The outdoor recreation office shall compile data and report to the Business, Economic Development, and Labor Appropriations Subcommittee on the:

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

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

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

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

~~{ Section 6. Appropriation:~~

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

~~HEM 1~~

~~———— To Governor's Officer of Economic Development -- Outdoor Recreation Infrastructure Account~~

~~———— From Dedicated Credits ————— \$1,000,000~~

~~———— Schedule of Programs:~~

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~~Outdoor Recreation Infrastructure Account \$1,000,000~~

‡ Section 7. **Effective date.**

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