

HB0283S02 compared with HB0283S01

~~deleted text~~ shows text that was in HB0283S01 but was deleted in HB0283S02.

inserted text shows text that was not in HB0283S01 but was inserted into HB0283S02.

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Representative Jeffrey D. Stenquist proposes the following substitute bill:

OUTDOOR ADVENTURE COMMISSION AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jeffrey D. Stenquist

Senate Sponsor: ~~_____~~ Kirk A. Cullimore

LONG TITLE

General Description:

This bill addresses the Outdoor Adventure Commission conducting strategic planning activities related to the state's outdoor recreation opportunities.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Outdoor Adventure Commission;
- ▶ directs the commission to gather information on recreation assets and develop a strategic plan ~~and~~;
- ▶ designates what the strategic plan shall address;
- ▶ requires regional meetings;
- ▶ provides for the selection of consultants to assist in developing the strategic plan;

HB0283S02 compared with HB0283S01

- ▶ addresses public-private partnerships;
- ▶ provides a sunset date; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63I-1-263, as last amended by Laws of Utah 2019, Chapters 89, 246, 311, 414, 468, 469, 482 and last amended by Coordination Clause, Laws of Utah 2019, Chapter 246

ENACTS:

63C-21-101, Utah Code Annotated 1953

63C-21-102, Utah Code Annotated 1953

63C-21-201, Utah Code Annotated 1953

63C-21-202, Utah Code Annotated 1953

63C-21-203, Utah Code Annotated 1953

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

Section 1. Section **63C-21-101** is enacted to read:

CHAPTER 21. OUTDOOR ADVENTURE COMMISSION

Part 1. General Provisions

63C-21-101. Title.

This chapter is known as the "Outdoor Adventure Commission."

Section 2. Section **63C-21-102** is enacted to read:

63C-21-102. Definitions.

As used in this chapter:

(1) "Commission" means the Outdoor Adventure Commission created in Section 63C-21-201.

(2) "Strategic plan" means the strategic plan developed in Section 63C-21-202.

HB0283S02 compared with HB0283S01

Section 3. Section **63C-21-201** is enacted to read:

Part 2. Commission and Strategic Plan

63C-21-201. Outdoor Adventure Commission created.

- (1) There is created the Outdoor Adventure Commission consisting of the following
~~17~~nine members:
- (a) ~~two members~~one member of the Senate, appointed by the president of the Senate;
 - (b) ~~two members~~one member of the House of Representatives, appointed by the speaker of the House of Representatives;
 - (c) the director of the Utah Office of Outdoor Recreation, or the director's designee;
 - (d) the managing director of the Utah Office of Tourism, or the managing director's designee;
 - (e) the director of the Division of Parks and Recreation, or the director's designee;
 - (f) the director of the School and Institutional Trust Lands Administration, or the director's designee;
 - (g) ~~the executive director of the Department of Transportation, or the executive director's designee;~~
 - ~~(h) two representatives~~one representative of the Utah League of Cities and Towns appointed by the Utah League of Cities and Towns~~, one of which is a representative from an urban area and one of which is a representative from a rural area;~~
 - ~~(i) two representatives~~;
 - (h) one representative of the Utah Association of Counties appointed by the Utah Association of Counties~~, one of which is a representative from an urban area and one of which is a representative from a rural area;~~
 - ~~(j) a representative of the private sector appointed by the president of the Senate;~~
 - ~~(k) a representative of the private sector appointed by the speaker of the House of Representatives;~~
 - ~~(l) a representative of conservation interests appointed by the president of the Senate;~~
and
 - ~~(m) a representative of conservation interests appointed by the speaker of the House of Representatives~~; and
 - (i) one individual appointed jointly by the Utah League of Cities and Towns and the

HB0283S02 compared with HB0283S01

Utah Association of Counties.

(2) (a) The ~~president of the Senate shall appoint one of the members described in~~ senator appointed under Subsection (1)(a) ~~as~~ is a cochair of the commission.

(b) The ~~speaker of the House of Representatives shall appoint one of the members described in~~ representative appointed under Subsection (1)(b) ~~as~~ is a cochair of the commission.

(3) (a) If a vacancy occurs in the membership of the commission appointed under Subsection (1)(a) or (b), or Subsections (1)(~~fh~~g) through (~~fm~~i), the member shall be replaced in the same manner in which the original appointment was made.

(b) A member appointed under Subsections (1)(~~fh~~g) through (~~fm~~i) serves until the member's successor is appointed and qualified.

(4) (a) ~~A majority of the~~ Five commission members constitutes a quorum.

(b) The action of a majority of a quorum constitutes an action of the commission.

(5) (a) The salary and expenses of a commission member who is a legislator shall be paid in accordance with Section 36-2-2, Legislative Joint Rules, Title 5, Chapter 2, Lodging, Meal, and Transportation Expenses, and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.

(b) A commission member who is not a legislator may not receive compensation or benefits for the member's service on the commission, but may receive per diem and reimbursement for travel expenses incurred as a commission member at the rates established by the Division of Finance under:

(i) Sections 63A-3-106 and 63A-3-107; and

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

(6) The Department of Transportation shall serve as a technical advisor to the commission.

(~~6~~7) The Office of Legislative Research and General Counsel and the Office of the Legislative Fiscal Analyst shall provide staff support to the commission.

Section 4. Section **63C-21-202** is enacted to read:

63C-21-202. Strategic plan -- Commission powers and duties -- Consultant -- Reports.

HB0283S02 compared with HB0283S01

(1) (a) The commission shall gather information on recreation assets from state and local agencies and other sources and develop a strategic plan aimed at meeting the future needs of outdoor recreation within the state in order to enhance the quality of life of Utah residents.

Asset lists received from state and local agencies shall include:

(i) common data points, to be established by the Office of Outdoor Recreation that can be uniformly compared with other recreation assets within the state, such as asset type, size, unique characteristics, vegetation, land ownership, and similar items;

(ii) any specific needs, challenges, or limitations on recreation use of the assets; and

(iii) a ranking of potential enhancements to the assets related to recreation use.

(b) The strategic plan shall address:

(i) outdoor recreation as a major contributor to residents' quality of life;

(ii) the needs and impacts of residents who engage in outdoor recreation;

(iii) the impact on local communities related to outdoor recreation, including the costs associated with emergency services and infrastructure;

(iv) outdoor recreation as a means to retain and attract an exceptional workforce to provide for a sustainable economy ~~{ and support appropriate economic development incentives }~~;

(v) impacts to the environment, wildlife, and natural resources and measures to preserve the natural beauty of the state as more people engage in outdoor recreation;

(vi) identify opportunities for sustainable revenue sources to provide for maintenance and future needs;

(vii) the interface with ~~{federal}~~ public lands that are federally managed and private lands; and

(viii) other items determined by the commission.

(2) The commission shall:

(a) engage one or more consultants to:

(i) manage the strategic planning process in accordance with Subsection (3); and

(ii) conduct analytical work in accordance with Subsection (3);

(b) guide the analytical work of a consultant described in Subsection (2)(a) and review the results of the work;

(c) coordinate with a consultant described in Subsection (2)(a) to engage in a process

HB0283S02 compared with HB0283S01

and create a strategic plan;

(d) conduct regional meetings to gather stakeholder input during the strategic planning process;

(e) seek input from federal entities including the United States Department of the Interior, the United States Department of Agriculture, and Utah's congressional delegation; and

(f) produce a final report including a strategic plan and any recommendations.

(3) The commission by contract with a consultant engaged under Subsection (2)(a) shall direct the consultant to:

(a) conduct an inventory of existing outdoor recreation resources, programs, and information;

(b) conduct an analysis of what is needed to develop and implement an effective outdoor recreation strategy aimed at enhancing the quality of life of Utah residents;

(c) collect and analyze data related to the future projected conditions of the outdoor recreation resources, programs, and information, including the affordability and financing of outdoor recreation;

(d) develop alternatives to the projection described in Subsection (3)(c) by modeling potential changes to the outdoor recreation industry and economic growth;

(e) in coordination with the commission, engage in extensive local stakeholder involvement to better understand the needs of, concerns of, and opportunities for different communities and outdoor recreation user types;

(f) recommend accountability or performance measures to assess the effectiveness of the outdoor recreation system;

(g) based on the data described in this Subsection (3), make comparisons between outdoor recreation in Utah and outdoor recreation in other states or countries;

(h) in coordination with the commission, conduct the regional meetings described in Subsection (2)(d) to share information and seek input from a range of stakeholders;

(i) recommend changes to the governance system for outdoor recreation that would facilitate implementation of the strategic plan;

(j) engage in any other data collection or analysis requested by the commission; and

(k) produce for the commission:

(i) a draft report of findings, observations, and strategic priorities, including:

HB0283S02 compared with HB0283S01

(A) a statewide vision and strategy for outdoor recreation;

(B) a strategy for how to meaningfully engage stakeholders throughout the state;

(C) funding needs related to outdoor recreation; and

(D) recommendations for the steps the state should take to implement a statewide vision and strategy for outdoor recreation; and

(ii) a final report, incorporating feedback from the commission on the draft report described in Subsection (3)(k)(i), regarding the future of the outdoor recreation in the state.

Section 5. Section **63C-21-203** is enacted to read:

63C-21-203. Public-private partnerships.

The commission may facilitate or encourage public-private partnerships to provide for outdoor recreation resources, programs, or information.

Section 6. Section **63I-1-263** is amended to read:

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

(1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:

(a) Subsection 63A-1-201(1) is repealed;

(b) Subsection 63A-1-202(2)(c), the language that states "using criteria established by the board" is repealed;

(c) Section 63A-1-203 is repealed;

(d) Subsections 63A-1-204(1) and (2), the language that states "After consultation with the board, and" is repealed; and

(e) Subsection 63A-1-204(1)(b), the language that states "using the standards provided in Subsection 63A-1-203(3)(c)" is repealed.

(2) Subsection 63A-5-228(2)(h), relating to prioritizing and allocating capital improvement funding, is repealed on July 1, 2024.

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

(4) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July 1, 2028.

(5) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1, 2025.

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

HB0283S02 compared with HB0283S01

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

(8) Title 63C, Chapter 18, Mental Health Crisis Line Commission, is repealed July 1, 2023.

(9) Title 63C, Chapter 21, Outdoor Adventure Commission, is repealed July 1, 2025.

~~[(9)]~~ (10) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1, 2025.

~~[(10)]~~ (11) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1, 2020.

~~[(11)]~~ (12) In relation to the State Fair Corporation Board of Directors, on January 1, 2025:

(a) Subsection 63H-6-104(2)(c), related to a Senate appointment, is repealed;

(b) Subsection 63H-6-104(2)(d), related to a House appointment, is repealed;

(c) in Subsection 63H-6-104(2)(e), the language that states ", of whom only one may be a legislator, in accordance with Subsection (3)(e)," is repealed;

(d) Subsection 63H-6-104(3)(a)(i) is amended to read:

"(3)(a)(i) Except as provided in Subsection (3)(a)(ii), a board member appointed under Subsection (2)(e) or (f) shall serve a term that expires on the December 1 four years after the year that the board member was appointed.";

(e) in Subsections 63H-6-104(3)(a)(ii), (c)(ii), and (d), the language that states "the president of the Senate, the speaker of the House, the governor," is repealed and replaced with "the governor"; and

(f) Subsection 63H-6-104(3)(e), related to limits on the number of legislators, is repealed.

~~[(12)]~~ (13) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.

~~[(13)]~~ (14) Section 63M-7-212 is repealed on December 31, 2019.

~~[(14)]~~ (15) On July 1, 2025:

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

(b) Subsection 23-14-21(2)(c) is amended to read "(c) provide notification of proposed

HB0283S02 compared with HB0283S01

sites for the transplant of species to local government officials having jurisdiction over areas that may be affected by a transplant.";

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

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

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

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

(g) Subsections 63J-4-401(5)(a) and (c) are repealed;

(h) Subsection 63J-4-401(5)(b) is renumbered to Subsection 63J-4-401(5)(a) and the word "and" is inserted immediately after the semicolon;

(i) Subsection 63J-4-401(5)(d) is renumbered to Subsection 63J-4-401(5)(b);

(j) Sections 63J-4-501, 63J-4-502, 63J-4-503, 63J-4-504, and 63J-4-505 are repealed; and

(k) Subsection 63J-4-603(1)(e)(iv) is repealed and the remaining subsections are renumbered accordingly.

~~[(15)]~~ (16) Subsection 63J-1-602.1(13), Nurse Home Visiting Restricted Account is repealed July 1, 2026.

~~[(16)]~~ (17) Subsection 63J-1-602.2(4), referring to dedicated credits to the Utah Marriage Commission, is repealed July 1, 2023.

~~[(17)]~~ (18) Subsection 63J-1-602.2(5), referring to the Trip Reduction Program, is repealed July 1, 2022.

~~[(18)]~~ (19) (a) Subsection 63J-1-602.1(53), relating to the Utah Statewide Radio System Restricted Account, is repealed July 1, 2022.

(b) When repealing Subsection 63J-1-602.1(53), the Office of Legislative Research and General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make necessary changes to subsection numbering and cross references.

~~[(19)]~~ (20) Subsection 63J-1-602.2(23), related to the Utah Seismic Safety Commission, is repealed January 1, 2025.

HB0283S02 compared with HB0283S01

~~[(20)]~~ (21) Subsection 63J-4-708(1), in relation to the Talent Ready Utah Board, on January 1, 2023, is amended to read:

"(1) On or before October 1, the board shall provide an annual written report to the Social Services Appropriations Subcommittee and the Economic Development and Workforce Services Interim Committee."

~~[(21)]~~ (22) In relation to the Utah Substance Use and Mental Health Advisory Council, on January 1, 2023:

(a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are repealed;

(b) Section 63M-7-305, the language that states "council" is replaced with "commission";

(c) Subsection 63M-7-305(1) is repealed and replaced with:

"(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

(d) Subsection 63M-7-305(2) is repealed and replaced with:

"(2) The commission shall:

(a) provide ongoing oversight of the implementation, functions, and evaluation of the Drug-Related Offenses Reform Act; and

(b) coordinate the implementation of Section 77-18-1.1 and related provisions in Subsections 77-18-1(5)(b)(iii) and (iv)."

~~[(22)]~~ (23) The Crime Victim Reparations and Assistance Board, created in Section 63M-7-504, is repealed July 1, 2027.

~~[(23)]~~ (24) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2021.

~~[(24)]~~ (25) Subsection 63N-1-301(4)(c), related to the Talent Ready Utah Board, is repealed on January 1, 2023.

~~[(25)]~~ (26) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

~~[(26)]~~ (27) (a) Title 63N, Chapter 2, Part 4, Recycling Market Development Zone Act, is repealed January 1, 2021.

(b) Subject to Subsection ~~[(26)]~~ (27)(c), Sections 59-7-610 and 59-10-1007 regarding tax credits for certain persons in recycling market development zones, are repealed for taxable years beginning on or after January 1, 2021.

HB0283S02 compared with HB0283S01

(c) A person may not claim a tax credit under Section 59-7-610 or 59-10-1007:

(i) for the purchase price of machinery or equipment described in Section 59-7-610 or 59-10-1007, if the machinery or equipment is purchased on or after January 1, 2021; or

(ii) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), if the expenditure is made on or after January 1, 2021.

(d) Notwithstanding Subsections [~~26~~] (27)(b) and (c), a person may carry forward a tax credit in accordance with Section 59-7-610 or 59-10-1007 if:

(i) the person is entitled to a tax credit under Section 59-7-610 or 59-10-1007; and

(ii) (A) for the purchase price of machinery or equipment described in Section 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before December 31, 2020; or

(B) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), the expenditure is made on or before December 31, 2020.

[~~27~~] (28) Section 63N-2-512 is repealed on July 1, 2021.

[~~28~~] (29) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed January 1, 2021.

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

(c) Notwithstanding Subsection [~~28~~] (29)(b), an entity may carry forward a tax credit in accordance with Section 59-9-107 if:

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

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

[~~29~~] (30) Subsections 63N-3-109(2)(e) and 63N-3-109(2)(f)(i) are repealed July 1, 2023.

[~~30~~] (31) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed July 1, 2023.

[~~31~~] (32) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program, is repealed January 1, 2023.

[~~32~~] (33) In relation to the Pete Suazo Utah Athletic Commission, on January 1,

HB0283S02 compared with HB0283S01

2021:

(a) Subsection 63N-10-201(2)(a) is amended to read:

"(2) (a) The governor shall appoint five commission members with the advice and consent of the Senate.";

(b) Subsection 63N-10-201(2)(b), related to legislative appointments, is repealed;

(c) in Subsection 63N-10-201(3)(a), the language that states ", president, or speaker, respectively," is repealed; and

(d) Subsection 63N-10-201(3)(d) is amended to read:

"(d) The governor may remove a commission member for any reason and replace the commission member in accordance with this section."

~~[(33)]~~ (34) In relation to the Talent Ready Utah Board, on January 1, 2023:

(a) Subsection 9-22-102(16) is repealed;

(b) in Subsection 9-22-114(2), the language that states "Talent Ready Utah," is repealed; and

(c) in Subsection 9-22-114(5), the language that states "representatives of Talent Ready Utah," is repealed.

~~[(34)]~~ (35) Title 63N, Chapter 12, Part 5, Talent Ready Utah Center, is repealed January 1, 2023.