

**OUTDOOR RECREATION INFRASTRUCTURE AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jeffrey D. Stenquist**

Senate Sponsor: Jacob L. Anderegg

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**LONG TITLE**

**General Description:**

This bill amends the Outdoor Adventure Infrastructure Restricted Account and the makeup of the Outdoor Adventure Commission.

**Highlighted Provisions:**

This bill:

- ▶ amends the makeup of the Outdoor Adventure Commission;
- ▶ amends provisions relating to the Outdoor Adventure Infrastructure Restricted Account; and
- ▶ appropriates funds.

**Money Appropriated in this Bill:**

This bill appropriates for fiscal year 2024:

- ▶ to Department of Natural Resources - Division of State Parks - Capital:
  - from General Fund Restricted - Outdoor Adventure Infrastructure Restricted Account, \$5,000,000;
- ▶ to Department of Natural Resources - Division of Outdoor Recreation - Capital:
  - from General Fund Restricted - Outdoor Adventure Infrastructure Restricted Account, \$8,000,000; and
- ▶ to Department of Natural Resources - Division of Outdoor Recreation - Capital:
  - from General Fund Restricted - Outdoor Adventure Infrastructure Restricted Account, \$19,000,000.

**Other Special Clauses:**

None

30 Utah Code Sections Affected:

31 AMENDS:

32 51-9-902, as enacted by Laws of Utah 2022, Chapter 77

33 63C-21-201, as last amended by Laws of Utah 2022, Chapter 68

34 79-7-204, as enacted by Laws of Utah 2021, Chapter 280

35 79-8-103, as last amended by Laws of Utah 2022, Chapter 68

36 79-8-106, as last amended by Laws of Utah 2022, Chapters 68, 274



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

39 Section 1. Section 51-9-902 is amended to read:

40 **51-9-902. Outdoor Adventure Infrastructure Restricted Account.**

41 (1) As used in this section, "outdoor recreation infrastructure" means:

42 (a) an unpaved trail, trail head infrastructure, signage, or crossing infrastructure for  
43 recreation, regardless of whether the recreation is motorized or nonmotorized recreation;

44 (b) a campground or day-use recreation site;

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

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

47 (2) There is created within the General Fund a restricted account known as the  
48 "Outdoor Adventure Infrastructure Restricted Account."

49 [~~2~~] (3) The account shall consist of:

50 (a) money deposited into the account under Subsection 59-12-103(16); and

51 (b) interest and earnings on money in the account.

52 [~~3~~] (4) Subject to appropriation from the Legislature, money from the account shall  
53 be used for:

54 (a) new construction of outdoor recreation infrastructure;

55 (b) upgrades of outdoor recreation infrastructure;

56 (c) the replacement of or structural improvements to outdoor recreation infrastructure;

57 (d) the acquisition of land, a right-of-way, or easement used in relationship to outdoor

58 recreation infrastructure; or

59 (e) providing access from state highways, as defined in Section 72-1-102, to outdoor  
60 recreation infrastructure.

61 (5) For each fiscal year, beginning with fiscal year 2023-2024, the Division of Finance  
62 shall, subject to appropriation by the Legislature, distribute money from the Outdoor Adventure  
63 Infrastructure Restricted Account as follows:

64 (a) at least 15% to the Department of Natural Resources - Division of State Parks -  
65 Capital, to be expended using the department's existing prioritization process for capital  
66 projects in state parks described in Subsection (4);

67 (b) at least 22% to the Department of Natural Resources - Division of Outdoor  
68 Recreation - Capital, to be expended for competitive Recreation Restoration Infrastructure  
69 grants or Outdoor Recreational Infrastructure grants for outdoor recreation capital projects and  
70 related maintenance expenses, where maintenance expenses do not exceed 15% of the  
71 appropriation; and

72 (c) at least 53% to the Department of Natural Resources - Division of Outdoor  
73 Recreation - Capital, to be expended for larger outdoor recreation infrastructure projects as  
74 recommended to the Legislature by the Outdoor Adventure Commission described in  
75 Subsection (4).

76 [~~4~~] (6) If the Legislature appropriates money to the Department of Transportation  
77 from the account, the Transportation Commission, created in Section 72-1-301, shall prioritize  
78 projects and determine funding levels in accordance with Subsection 72-1-303(1)(a) based on  
79 recommendations of the Department of Transportation.

80 Section 2. Section 63C-21-201 is amended to read:

81 **63C-21-201. Outdoor Adventure Commission created.**

82 (1) There is created the Outdoor Adventure Commission consisting of the following  
83 [~~14~~] 15 members:

84 (a) one member of the Senate, appointed by the president of the Senate;

85 (b) one member of the House of Representatives, appointed by the speaker of the

86 House of Representatives;

87 (c) the managing director of the Utah Office of Tourism, or the managing director's  
88 designee;

89 (d) the director of the Division of Outdoor Recreation, or the director's designee;

90 (e) the director of the School and Institutional Trust Lands Administration, or the  
91 director's designee;

92 (f) a designee of the Division of State Parks;

93 [~~(f) the coordinator of the Off-highway Vehicle Program within the Division of  
94 Outdoor Recreation;~~]

95 (g) a representative of the agriculture industry appointed jointly by the president of the  
96 Senate and the speaker of the House of Representatives;

97 (h) a representative of the natural resources development industry appointed jointly by  
98 the president of the Senate and the speaker of the House of Representatives;

99 [~~(i) one representative of the Utah League of Cities and Towns appointed by the Utah  
100 League of Cities and Towns;~~]

101 [~~(j)~~] (i) [one representative] two representatives of the Utah Association of Counties  
102 appointed by the Utah Association of Counties;

103 [~~(k)~~] (j) [one individual appointed jointly by] two representatives of the Utah League of  
104 Cities and Towns [~~and the Utah Association of Counties~~] appointed by the Utah League of  
105 Cities and Towns;

106 [~~(l)~~] (k) a representative of conservation interests appointed jointly by the president of  
107 the Senate and the speaker of the House of Representatives;

108 [~~(m)~~] (l) a representative of the outdoor recreation industry appointed jointly by the  
109 president of the Senate and the speaker of the House of Representatives; and

110 (m) a representative of the Department of Transportation.

111 [~~(n) the coordinator of the boating program within the Division of Outdoor  
112 Recreation.~~]

113 (2) The commission shall annually select one of the commission's members to be the

114 chair of the commission.

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

118 (b) A member appointed under Subsections (1)(g) through ~~(m)~~ (l) shall serve a term  
119 of four years and until the member's successor is appointed and qualified.

120 (c) Notwithstanding the requirements of Subsection (3)(b), for members appointed  
121 under Subsections (1)(g) through ~~(m)~~ (l), the division shall, at the time of appointment or  
122 reappointment, adjust the length of terms to ensure that the terms of commission members are  
123 staggered so that approximately half of the commission members appointed under Subsections  
124 (1)(g) through ~~(m)~~ (l) are appointed every two years.

125 (d) An individual may be appointed to more than one term.

126 (4) (a) Eight commission members constitutes a quorum.

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

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

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

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

137 (ii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
138 63A-3-107.

139 (6) The coordinator of the Off-highway Vehicle Program within the Division of  
140 Outdoor Recreation shall serve as a technical advisor to the commission.

141 (7) The coordinator of the boating program within the Division of Outdoor Recreation

142 shall serve as a technical advisor to the commission.

143 [~~(6) The Department of Transportation shall serve as a technical advisor to the~~  
144 ~~commission.~~]

145 [(~~7~~) (8) The Division of Outdoor Recreation, created in Section 79-7-201, shall  
146 provide staff support to the commission.

147 Section 3. Section 79-7-204 is amended to read:

148 **79-7-204. Division authorized to enter into contracts and agreements.**

149 (1) The division, with the approval of the executive director and the governor, may  
150 enter into contracts and agreements with the United States, a United States agency, any other  
151 department or agency of the state, semipublic organizations, and with private individuals to:

152 (a) provide, improve [and] , maintain [recreational grounds and the areas administered  
153 by the division] , or coordinate motorized and nonmotorized recreation within the state; and

154 (b) secure labor, quarters, materials, services, or facilities according to procedures  
155 established by the Division of Finance.

156 (2) A department, agency, officer, or employee of the state shall give to the division the  
157 consultation and assistance that the division may reasonably request.

158 Section 4. Section 79-8-103 is amended to read:

159 **79-8-103. Outdoor recreation grants.**

160 To the extent money is available, the division shall administer outdoor recreation grants  
161 for the state, including grants that address:

162 (1) outdoor recreation in general;

163 (2) recreational trails;

164 (3) off-highway vehicle incentives;

165 (4) boat access and clean vessels;

166 (5) land, water, and conservation; ~~[and]~~

167 (6) outdoor recreation programming; and

168 (7) maintenance projects related to the above allowable uses.

169 Section 5. Section 79-8-106 is amended to read:

170 **79-8-106. Outdoor Recreation Infrastructure Account -- Uses -- Costs.**

171 (1) There is created an expendable special revenue fund known as the "Outdoor  
172 Recreation Infrastructure Account," which the division shall use to fund:

173 (a) the Outdoor Recreational Infrastructure Grant Program created in Section [79-8-401](#);

174 [~~and~~]

175 (b) the Recreation Restoration Infrastructure Grant Program created in Section

176 [79-8-202](#); and

177 (c) the Utah Children's Outdoor Recreation and Education Grant Program created in

178 Section [79-8-302](#).

179 (2) The account consists of:

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

181 (b) interest earned on the account;

182 (c) appropriations made by the Legislature;

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

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

185 (e) private donations, grants, gifts, bequests, or money made available from any other  
186 source to implement this part.

187 (3) The division shall, with the advice of the advisory committee, administer the  
188 account.

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

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

192 **Section 6. Appropriation.**

193 The following sums of money are appropriated for the fiscal year beginning July 1,  
194 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for  
195 fiscal year 2024. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
196 Act, the Legislature appropriates the following sums of money from the funds or accounts  
197 indicated for the use and support of the government of the state of Utah.

198 ITEM 1

199 To Department of Natural Resources - Division of State Parks - Capital

200 From General Fund Restricted - Outdoor Adventure Infrastructure

201 Restricted Account 5,000,000

202 Schedule of Programs:

203 Renovation and Development 5,000,000

204 The Legislature intends that:

205 (1) the Division of State Parks use the money appropriated under this item for the  
206 purposes permitted under Title 51, Chapter 9, Part 9, Outdoor Adventure Infrastructure

207 Restricted Account; and

208 (2) under Section 63J-1-603, appropriations provided under this section not lapse at the  
209 close of fiscal year 2024.

210 ITEM 2

211 To Department of Natural Resources - Division of Outdoor Recreation - Capital

212 From General Fund Restricted - Outdoor Adventure Infrastructure

213 Restricted Account 8,000,000

214 Schedule of Programs:

215 Recreation Capital 8,000,000

216 The Legislature intends that the Division of Outdoor Recreation use the money  
217 appropriated under this item:

218 (1) for the purposes permitted under Title 51, Chapter 9, Part 9, Outdoor Adventure  
219 Infrastructure Restricted Account;

220 (2) in accordance with existing grant programs that require a match by recipients of the  
221 grant; and

222 (3) by using no more than 15% of the money appropriated under this item for  
223 maintenance.

224 ITEM 3

225 To Department of Natural Resources - Division of Outdoor Recreation - Capital



226	<u>From General Fund Restricted - Outdoor Adventure Infrastructure</u>	
227	<u>Restricted Account</u>	<u>19,000,000</u>
228	<u>Schedule of Programs:</u>	
229	<u>Recreation Capital</u>	<u>19,000,000</u>
230	<u>The Legislature intends that:</u>	
231	<u>(1) the Department of Natural Resources use the money appropriated under this item</u>	
232	<u>for larger capital projects as recommended to the Legislature by the Outdoor Adventure</u>	
233	<u>Commission; and</u>	
234	<u>(2) the money appropriated under this item is nonlapsing.</u>	