

**OUTDOOR RECREATION INFRASTRUCTURE AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jeffrey D. Stenquist**

Senate Sponsor: Jacob L. Anderegg

---

---

**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:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

- 51-9-902**, as enacted by Laws of Utah 2022, Chapter 77
- 63C-21-201**, as last amended by Laws of Utah 2022, Chapter 68
- 79-7-204**, as enacted by Laws of Utah 2021, Chapter 280
- 79-8-103**, as last amended by Laws of Utah 2022, Chapter 68
- 79-8-106**, as last amended by Laws of Utah 2022, Chapters 68, 274



28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58

---

---

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

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

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

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

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

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

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

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

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

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

(a) money deposited into the account under Subsection [59-12-103\(16\)](#); and

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

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

(a) new construction of outdoor recreation infrastructure;

(b) upgrades of outdoor recreation infrastructure;

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

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

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

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

(a) \$20,000,000 to the Department of Natural Resources - Division of State Parks - Capital, to be expended using the department's existing prioritization process for capital projects in state parks described in Subsection (4);

(b) \$7,500,000 to the Department of Natural Resources - Division of Recreation -

59 Capital, to be expended for competitive grants for outdoor recreation capital projects and  
 60 related maintenance expenses, where maintenance expenses do not exceed 15% of the  
 61 appropriation;

62 (c) \$7,500,000 to the Department of Natural Resources - Division of Recreation -  
 63 Capital, to be expended for larger outdoor recreation infrastructure projects as recommended to  
 64 the Legislature by the Outdoor Adventure Commission described in Subsection (4); and

65 (d) \$200,000 to the Department of Natural Resources - Division of Outdoor Recreation  
 66 - Recreation Services, to be expended in the Utah Children's Outdoor Recreation and Education  
 67 Grant program.

68 [~~4~~] (6) If the Legislature appropriates money to the Department of Transportation  
 69 from the account, the Transportation Commission, created in Section 72-1-301, shall prioritize  
 70 projects and determine funding levels in accordance with Subsection 72-1-303(1)(a) based on  
 71 recommendations of the Department of Transportation.

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

73 **63C-21-201. Outdoor Adventure Commission created.**

74 (1) There is created the Outdoor Adventure Commission consisting of the following  
 75 [~~14~~] 15 members:

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

77 (b) one member of the House of Representatives, appointed by the speaker of the  
 78 House of Representatives;

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

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

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

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

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

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

89 (h) a representative of the natural resources development industry appointed jointly by

90 the president of the Senate and the speaker of the House of Representatives;

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

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

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

98 ~~[(t)]~~ (k) a representative of conservation interests appointed jointly by the president of  
99 the Senate and the speaker of the House of Representatives;

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

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

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

105 (2) The commission shall annually select one of the commission's members to be the  
106 chair of the commission.

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

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

112 (c) Notwithstanding the requirements of Subsection (3)(b), for members appointed  
113 under Subsections (1)(g) through ~~[(m)]~~ (l), the division shall, at the time of appointment or  
114 reappointment, adjust the length of terms to ensure that the terms of commission members are  
115 staggered so that approximately half of the commission members appointed under Subsections  
116 (1)(g) through ~~[(m)]~~ (l) are appointed every two years.

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

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

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

120 (5) (a) The salary and expenses of a commission member who is a legislator shall be

121 paid in accordance with Section 36-2-2, Legislative Joint Rules, Title 5, Chapter 2, Lodging,  
122 Meal, and Transportation Expenses, and Legislative Joint Rules, Title 5, Chapter 3, Legislator  
123 Compensation.

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

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

129 (ii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
130 63A-3-107.

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

133 [~~(7)~~ (6) The Division of Outdoor Recreation, created in Section 79-7-201, shall  
134 provide staff support to the commission.

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

136 **79-7-204. Division authorized to enter into contracts and agreements.**

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

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

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

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

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

147 **79-8-103. Outdoor recreation grants.**

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

150 (1) outdoor recreation in general;

151 (2) recreational trails;

- 152 (3) off-highway vehicle incentives;
- 153 (4) boat access and clean vessels;
- 154 (5) land, water, and conservation; ~~and~~
- 155 (6) outdoor recreation programming; and
- 156 (7) maintenance projects related to the above allowable uses.

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

158 **79-8-106. Outdoor Recreation Infrastructure Account -- Uses -- Costs.**

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

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

162 ~~and~~

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

164 [79-8-202](#); and

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

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

167 (2) The account consists of:

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

169 (b) interest earned on the account;

170 (c) appropriations made by the Legislature;

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

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

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

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

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

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