

Representative Jeffrey D. Stenquist proposes the following substitute bill:

OUTDOOR RECREATION INFRASTRUCTURE AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jeffrey D. Stenquist

Senate Sponsor: _____

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 \$20,000,000;
- ▶ to Department of Natural Resources - Division of Outdoor Recreation - Capital:
 - from General Fund Restricted - Outdoor Adventure Infrastructure Restricted Account, \$7,500,000;
- ▶ to Department of Natural Resources - Division of Outdoor Recreation - Capital:



- 26 • from General Fund Restricted - Outdoor Adventure Infrastructure
- 27 Restricted Account, \$7,500,000; and
- 28 ▶ to Department of Natural Resources - Division of Outdoor Recreation -
- 29 Recreation Services:
- 30 • from General Fund Restricted - Outdoor Adventure Infrastructure
- 31 Restricted Account, \$200,000.

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

- 36 **51-9-902**, as enacted by Laws of Utah 2022, Chapter 77
- 37 **63C-21-201**, as last amended by Laws of Utah 2022, Chapter 68
- 38 **79-7-204**, as enacted by Laws of Utah 2021, Chapter 280
- 39 **79-8-103**, as last amended by Laws of Utah 2022, Chapter 68
- 40 **79-8-106**, as last amended by Laws of Utah 2022, Chapters 68, 274



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

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

44 **51-9-902. Outdoor Adventure Infrastructure Restricted Account.**

- 45 (1) As used in this section, "outdoor recreation infrastructure" means:
- 46 (a) an unpaved trail, trail head infrastructure, signage, or crossing infrastructure for
- 47 recreation, regardless of whether the recreation is motorized or nonmotorized recreation;
- 48 (b) a campground or day-use recreation site;
- 49 (c) water recreation infrastructure, including a pier, dock, or boat ramp; or
- 50 (d) outdoor recreation facilities that are accessible to visitors with disabilities.

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

53 [~~(2)~~] (3) The account shall consist of:

- 54 (a) money deposited into the account under Subsection **59-12-103(16)**; and
- 55 (b) interest and earnings on money in the account.

56 [~~(3)~~] (4) Subject to appropriation from the Legislature, money from the account shall

57 be used for:

- 58 (a) new construction of outdoor recreation infrastructure;
- 59 (b) upgrades of outdoor recreation infrastructure;
- 60 (c) the replacement of or structural improvements to outdoor recreation infrastructure;
- 61 (d) the acquisition of land, a right-of-way, or easement used in relationship to outdoor
- 62 recreation infrastructure; or
- 63 (e) providing access from state highways, as defined in Section 72-1-102, to outdoor
- 64 recreation infrastructure.

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

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

71 (b) \$7,500,000 to the Department of Natural Resources - Division of Outdoor
72 Recreation - Capital, to be expended for competitive Recreation Restoration Infrastructure
73 grants or Outdoor Recreational Infrastructure grants for outdoor recreation capital projects and
74 related maintenance expenses, where maintenance expenses do not exceed 15% of the
75 appropriation;

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

80 (d) \$200,000 to the Department of Natural Resources - Division of Outdoor Recreation
81 - Recreation Services, to be expended in the Utah Children's Outdoor Recreation and Education
82 Grant Program.

83 [~~4~~] (6) If the Legislature appropriates money to the Department of Transportation
84 from the account, the Transportation Commission, created in Section 72-1-301, shall prioritize
85 projects and determine funding levels in accordance with Subsection 72-1-303(1)(a) based on
86 recommendations of the Department of Transportation.

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

88 **63C-21-201. Outdoor Adventure Commission created.**

89 (1) There is created the Outdoor Adventure Commission consisting of the following
90 [~~14~~] 15 members:

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

92 (b) one member of the House of Representatives, appointed by the speaker of the
93 House of Representatives;

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

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

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

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

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

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

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

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

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

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

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

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

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

118 [~~(n) the coordinator of the boating program within the Division of Outdoor~~

119 Recreation.]

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

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

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

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

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

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

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

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

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

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

144 (ii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
145 63A-3-107.

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

148 ~~[(7)]~~ (6) The Division of Outdoor Recreation, created in Section 79-7-201, shall
149 provide staff support to the commission.

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

151 **79-7-204. Division authorized to enter into contracts and agreements.**

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

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

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

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

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

162 **79-8-103. Outdoor recreation grants.**

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

165 (1) outdoor recreation in general;

166 (2) recreational trails;

167 (3) off-highway vehicle incentives;

168 (4) boat access and clean vessels;

169 (5) land, water, and conservation; [and]

170 (6) outdoor recreation programming; and

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

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

173 **79-8-106. Outdoor Recreation Infrastructure Account -- Uses -- Costs.**

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

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

178 (b) the Recreation Restoration Infrastructure Grant Program created in Section
179 [79-8-202](#); and

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

181 Section 79-8-302.

- 182 (2) The account consists of:
- 183 (a) distributions to the account under Section 59-28-103;
- 184 (b) interest earned on the account;
- 185 (c) appropriations made by the Legislature;
- 186 (d) money from a cooperative agreement entered into with the United States

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

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

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

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

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

195 **Section 6. Appropriation.**

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

201 ITEM 1

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

203 From General Fund Restricted - Outdoor Adventure

204 Infrastructure Restricted Account

20,000,000

205 Schedule of Programs:

206 Renovation and Development

20,000,000

207 The Legislature intends that:

- 208 (1) the Division of State Parks use the money appropriated under this item for the
- 209 purposes permitted under Title 51, Chapter 9, Part 9, Outdoor Adventure Infrastructure
- 210 Restricted Account; and

- 211 (2) under Section 63J-1-603, appropriations provided under this section not lapse at the

212 close of fiscal year 2024.

213 ITEM 2

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

215 From General Fund Restricted - Outdoor Adventure

216 Infrastructure Restricted Account 7,500,000

217 Schedule of Programs:

218 Recreation Capital 7,500,000

219 The Legislature intends that the Division of Recreation use the money appropriated

220 under this item:

221 (1) for the purposes permitted under Title 51, Chapter 9, Part 9, Outdoor Adventure

222 Infrastructure Restricted Account;

223 (2) in accordance with existing grant programs that require a match by recipients of the

224 grant; and

225 (3) by using no more than 15% of the money appropriated under this item for

226 maintenance.

227 ITEM 3

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

229 From General Fund Restricted - Outdoor Recreation

230 Infrastructure Restricted Account 7,500,000

231 Schedule of Programs:

232 Recreation Capital 7,500,000

233 The Legislature intends that:

234 (1) the Department of Natural Resources use the money appropriated under this item

235 for larger capital projects as recommended to the Legislature by the Outdoor Adventure

236 Commission; and

237 (2) the money appropriated under this item is nonlapsing.

238 ITEM 4

239 To Department of Natural Resources - Division of Outdoor Recreation - Recreation Services

240 From General Fund Restricted - Outdoor Recreation

241 Infrastructure Restricted Account 200,000

242 Schedule of Programs:

243	<u>Utah Children's Outdoor Recreation and Education</u>	
244	<u>Grant Program</u>	<u>200,000</u>
245	<u>The Legislature intends that:</u>	
246	<u>(1) the Department of Natural Resources use the money appropriated under this item for</u>	
247	<u>Utah Children's Outdoor Recreation and Education Grant Program; and</u>	
248	<u>(2) the money appropriated under this item is nonlapsing.</u>	