

## HB0384S02 compared with HB0384S01

~~text~~ shows text that was in HB0384S01 but was deleted in HB0384S02.

text shows text that was not in HB0384S01 but was inserted into HB0384S02.

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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: \_\_\_\_\_

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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:

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

### 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

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*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.

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(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 Outdoor Recreation - Capital, to be expended for competitive Recreation Restoration Infrastructure grants or Outdoor Recreational Infrastructure grants for outdoor recreation capital projects and related maintenance expenses, where maintenance expenses do not exceed 15% of the appropriation;

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

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

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### Grant Program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(m) a representative of the Department of Transportation.

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

(2) The commission shall annually select one of the commission's members to be the chair 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)(g) through ~~[(m)]~~ (l), the member shall be replaced in the same manner in which the original appointment was made.

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

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

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

(4) (a) Eight 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

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

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

(7) The coordinator of the boating program within the Division of Outdoor Recreation shall serve as a technical advisor to the commission.

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

~~[(7)]~~ ~~(6)~~ (8) The Division of Outdoor Recreation, created in Section 79-7-201, shall provide staff support to the commission.

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

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

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

- (a) provide, improve [and], maintain [recreational grounds and the areas administered by the division], or coordinate motorized and nonmotorized recreation within the state; and
- (b) secure labor, quarters, materials, services, or facilities according to procedures established by the Division of Finance.

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

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

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

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

- (1) outdoor recreation in general;
- (2) recreational trails;
- (3) off-highway vehicle incentives;
- (4) boat access and clean vessels;
- (5) land, water, and conservation; ~~[and]~~
- (6) outdoor recreation programming; and

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

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

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

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

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

(b) the Recreation Restoration Infrastructure Grant Program created in Section 79-8-202; and

(c) the Utah Children's Outdoor Recreation and Education Grant Program created in Section 79-8-302.

(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;

(d) money from a cooperative agreement entered into with the United States Department of Agriculture or the United States Department of the Interior; and

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

(3) The division shall, with the advice of the advisory committee, 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 6. **Appropriation.**

The following sums of money are appropriated for the fiscal year beginning July 1, 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for fiscal year 2024. 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.

ITEM 1

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

From General Fund Restricted - Outdoor Adventure

Infrastructure Restricted Account 20,000,000

Schedule of Programs:

Renovation and Development 20,000,000

The Legislature intends that:

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

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

### ITEM 2

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

From General Fund Restricted - Outdoor Adventure

Infrastructure Restricted Account 7,500,000

Schedule of Programs:

Recreation Capital 7,500,000

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

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

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

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

### ITEM 3

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

From General Fund Restricted - Outdoor Recreation

Infrastructure Restricted Account 7,500,000

Schedule of Programs:

Recreation Capital 7,500,000



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The Legislature intends that:

(1) the Department of Natural Resources use the money appropriated under this item for larger capital projects as recommended to the Legislature by the Outdoor Adventure Commission; and

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

**ITEM 4**

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

From General Fund Restricted - Outdoor Recreation

Infrastructure Restricted Account 200,000

Schedule of Programs:

Utah Children's Outdoor Recreation and Education

Grant Program 200,000

The Legislature intends that:

(1) the Department of Natural Resources use the money appropriated under this item for Utah Children's Outdoor Recreation and Education Grant Program; and

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