

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: 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:

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:



26 • from General Fund Restricted - Outdoor Adventure Infrastructure Restricted
27 Account, \$19,000,000.

28 **Other Special Clauses:**

29 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 From General Fund Restricted - Outdoor Adventure Infrastructure
 227 Restricted Account 19,000,000

228 Schedule of Programs:

229 Recreation Capital 19,000,000

230 The Legislature intends that:

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

233 Commission; and

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