

OUTDOOR RECREATIONAL GRANT PROGRAM AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike Winder

Senate Sponsor: _____

LONG TITLE**General Description:**

This bill modifies provisions related to the transient room tax and grant programs administered by the Utah Office of Outdoor Recreation.

Highlighted Provisions:

This bill:

- ▶ modifies how the Utah Office of Outdoor Recreation may use transient room tax revenue that is deposited into the Outdoor Recreation Infrastructure Account;
- ▶ defines terms;
- ▶ changes the name of the Outdoor Recreation Grant Advisory Committee to the Outdoor Recreation Grant Advisory Board (advisory board);
- ▶ modifies the membership of the advisory board;
- ▶ modifies the Utah Children's Outdoor Recreation and Education (UCORE) grant program; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:



28 **59-28-103**, as last amended by Laws of Utah 2019, Chapter 290
29 **63N-9-102**, as last amended by Laws of Utah 2019, Chapter 506
30 **63N-9-204**, as last amended by Laws of Utah 2019, Chapter 290
31 **63N-9-205**, as last amended by Laws of Utah 2019, Chapter 290
32 **63N-9-301**, as enacted by Laws of Utah 2019, Chapter 290
33 **63N-9-302**, as enacted by Laws of Utah 2019, Chapter 290
34 **63N-9-303**, as enacted by Laws of Utah 2019, Chapter 290
35 **63N-9-402**, as enacted by Laws of Utah 2019, Chapter 506
36 **63N-9-403**, as enacted by Laws of Utah 2019, Chapter 506
37 **63N-9-404**, as enacted by Laws of Utah 2019, Chapter 506

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

40 Section 1. Section **59-28-103** is amended to read:

41 **59-28-103. Imposition -- Rate -- Revenue distribution.**

42 (1) Subject to the other provisions of this chapter, the state shall impose a tax on the
43 transactions described in Subsection **59-12-103**(1)(i) at a rate of .32%.

44 (2) The tax imposed under this chapter is in addition to any other taxes imposed on the
45 transactions described in Subsection **59-12-103**(1)(i).

46 (3) (a) (i) Subject to Subsection (3)(a)(ii), the commission shall deposit 6% of the
47 revenue the state collects from the tax under this chapter into the Hospitality and Tourism
48 Management Education Account created in Section **53F-9-501** to fund the Hospitality and
49 Tourism Management Career and Technical Education Pilot Program created in Section
50 **53E-3-515**.

51 (ii) The commission may not deposit more than \$300,000 into the Hospitality and
52 Tourism Management Education Account under Subsection (3)(a)(i) in a fiscal year.

53 (b) Except for the amount deposited into the Hospitality and Tourism Management
54 Education Account under Subsection (3)(a) and the administrative charge retained under
55 Subsection **59-28-104**(4), the commission shall deposit any revenue the state collects from the
56 tax under this chapter into the Outdoor Recreation Infrastructure Account created in Section
57 **63N-9-205** to fund the Outdoor Recreational Infrastructure Grant Program created in Section
58 **63N-9-202** [and], the Recreation Restoration Infrastructure Grant Program created in Section

63N-9-302, and the Utah Children's Outdoor Recreation and Education Grant Program created in Section 63N-9-402.

Section 2. Section **63N-9-102** is amended to read:

63N-9-102. Definitions.

As used in this chapter:

(1) "Accessible to the general public," in relation to the awarding of an infrastructure grant, means:

(a) the public may use the infrastructure in accordance with federal and state regulations; and

(b) no community or group retains exclusive rights to access the infrastructure.

(2) "Advisory board" means the Utah Outdoor Recreation Grant Advisory Board created in Section 63N-9-204.

~~[(2)]~~ (3) "Children," in relation to the awarding of a UCORE grant, means individuals who are six years of age or older, and 18 years of age or younger.

~~[(3)]~~ (4) "Director" means the director of the outdoor recreation office.

~~[(4)]~~ (5) "Executive director" means the executive director of GOED.

~~[(5)]~~ (6) "Infrastructure grant" means an outdoor recreational infrastructure grant described in Section 63N-9-202.

~~[(6)]~~ (7) "Outdoor recreation office" means the Utah Office of Outdoor Recreation created in Section 63N-9-104.

~~[(7)]~~ (8) (a) "Recreational infrastructure project" means an undertaking to build or improve the approved facilities and installations needed for the public to access and enjoy the state's outdoors.

(b) "Recreational infrastructure project" may include the:

(i) establishment, construction, or renovation of a trail, trail infrastructure, or trail facilities;

(ii) construction of a project for water-related outdoor recreational activities;

(iii) development of a project for wildlife watching opportunities, including bird watching;

(iv) development of a project that provides winter recreation amenities;

(v) construction or improvement of a community park that has amenities for outdoor

recreation; and

(vi) construction or improvement of a naturalistic and accessible playground.

~~[(8)]~~ (9) "UCORE grant" means a children's outdoor recreation and education grant described in Section [63N-9-402](#).

~~[(9)]~~ (10) (a) "Underserved or underprivileged community" means a group of people, including a municipality, county, or American Indian tribe, that is economically disadvantaged.

(b) "Underserved or underprivileged community" includes an economically disadvantaged community where:

(i) in relation to awarding an infrastructure grant, the people of the community have limited access to or have demonstrated a low level of use of recreational infrastructure; and

(ii) in relation to awarding a UCORE grant, the children of the community, including children with disabilities, have limited access to outdoor recreation or education programs.

Section 3. Section **63N-9-204** is amended to read:

63N-9-204. Utah Outdoor Recreation Grant Advisory Board -- Membership -- Duties -- Expenses.

~~[(1) As used in this section, "advisory committee" means the Utah Outdoor Recreation Grant Advisory Committee created in Subsection (2).]~~

~~[(2)]~~ (1) There is created in the outdoor recreation office the Utah Outdoor Recreation Grant Advisory ~~[Committee]~~ Board, composed of the following 14 members:

(a) five members representing state or federal government as follows:

(i) the director;

(ii) the director of the Division of Parks and Recreation created in Section [79-4-201](#) or the director's designee;

(iii) one member who is an employee of the outdoor recreation office engaged in the duties described in Section [63N-7-201](#), appointed by the executive director;

(iv) one member representing ~~[the Bureau of Land Management]~~ a federal land management agency, appointed by the executive director; and

(v) one member representing the National Park Service Rivers, Trails, and Conservation Assistance Program, appointed by the executive director;

(b) nine members representing local government, the private sector, or the public that are knowledgeable about outdoor recreation activities or tourism-based economic development,

appointed by the executive director as follows:

(i) one member representing municipal government, recommended by the Utah League of Cities and Towns;

(ii) one member representing county government, recommended by the Utah Association of Counties;

(iii) two members representing the outdoor industry;

(iv) one member representing the Utah Tourism Industry Association;

(v) one member representing the ~~[Utah Hotel and Lodging Association]~~ lodging industry in the state;

(vi) one member representing the health care industry;

(vii) one member representing multi-ability groups or programs; and

(viii) one member representing a university outdoor recreation, parks, or tourism department; and

(c) one of the members appointed under Subsection ~~[(2)]~~ (1)(b)(i) or (ii) shall represent rural interests.

~~[(3)]~~ (2) The advisory ~~[committee]~~ board shall advise and make recommendations to the outdoor recreation office regarding ~~[infrastructure grants and grants issued under Part 3, Restoration Recreation Infrastructure Grant Program]~~ grants issued under this chapter.

~~[(4)]~~ (3) (a) Except as required by Subsection ~~[(4)]~~ (3)(b), as terms of appointed advisory ~~[committee]~~ board members expire, the executive director shall appoint each new member or reappointed member to a four-year term.

(b) Notwithstanding the requirements of Subsection ~~[(4)]~~ (3)(a), the executive director shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of appointed ~~[advisory]~~ board committee members are staggered so that approximately half of the appointed advisory ~~[committee]~~ board members are appointed every two years.

~~[(5)]~~ (4) The director shall serve as chair of the advisory ~~[committee]~~ board.

~~[(6)]~~ (5) The advisory ~~[committee]~~ board shall elect annually a vice chair from the advisory ~~[committee's]~~ board's members.

~~[(7)]~~ (6) When a vacancy occurs in the membership for any reason, the executive director shall appoint the replacement for the unexpired term.

~~[(8)]~~ (7) A majority of the advisory ~~[committee]~~ board constitutes a quorum for the

purpose of conducting advisory [~~committee~~] board business and the action of a majority of a quorum constitutes the action of the advisory [~~committee~~] board.

~~[(9)]~~ (8) The outdoor recreation office shall provide administrative staff support for the advisory [~~committee~~] board.

~~[(10)]~~ (9) A member may not receive compensation or benefits for the member's service, but a member appointed under Subsection ~~[(2)]~~ (1)(b) may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

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

~~[(11)]~~ (10) The advisory [~~committee~~] board, as a governmental entity, has all the rights, privileges, and immunities of a governmental entity of the state and the advisory [~~committee~~] board meetings are subject to Title 52, Chapter 4, Open and Public Meetings Act.

Section 4. Section 63N-9-205 is amended to read:

63N-9-205. Utah Outdoor Recreation Infrastructure Account -- Uses -- Costs.

(1) There is created an expendable special revenue fund known as the "Outdoor Recreation Infrastructure Account," which the outdoor recreation office shall use to fund the Outdoor Recreational Infrastructure Grant Program created in Section 63N-9-202 ~~[and]~~, the Recreation Restoration Infrastructure Grant Program created in Section 63N-9-302, and the Utah Children's Outdoor Recreation and Education Grant Program created in Section 63N-9-402.

(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 outdoor recreation office shall, with the advice of the Utah Outdoor Recreation

Grant Advisory [~~Committee~~] Board created in Section 63N-9-204, 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 5. Section 63N-9-301 is amended to read:

63N-9-301. Definitions.

As used in this part:

~~[(1) "Advisory committee" means the Utah Outdoor Recreation Grant Advisory Committee created in Section 63N-9-204.]~~

~~[(2)]~~ (1) "Grant program" means the Recreation Restoration Infrastructure Grant Program created in Section 63N-9-302.

~~[(3)]~~ (2) "High demand outdoor recreation amenity" means infrastructure necessary for a campground, picnic area, or water recreation structure such as a dock, pier, or boat ramp that receives or has received heavy use by the public.

~~[(4)]~~ (3) "High priority trail" means a motorized or nonmotorized recreation summer-use trail and related infrastructure that is prioritized by the advisory [~~committee~~] board for restoration or rehabilitation to maintain usability and sustainability of trails that receive or have received high use by the public.

~~[(5)]~~ (4) "Public lands" includes local, state, and federal lands.

~~[(6)]~~ (5) "Rehabilitation or restoration" means returning an outdoor recreation structure or trail that has been degraded, damaged, or destroyed to its previously useful state by means of repair, modification, or alteration.

Section 6. Section 63N-9-302 is amended to read:

63N-9-302. Creation of grant program.

(1) (a) There is created a supplemental grant program within the Outdoor Recreational Infrastructure Grant Program, created in Section 63N-9-202, known as the "Recreation Restoration Infrastructure Grant Program" administered by the outdoor recreation office.

(b) Subject to Subsection (1)(c), 5% [~~percent~~] of the unencumbered amount in the Utah Outdoor Recreation Account, created in Section 63N-9-205, at the beginning of each fiscal year may be used for the grant program.

(c) The percentage outlined in Subsection (1)(b) may be increased or decreased at the

beginning of a fiscal year if approved by the executive director after consultation with the director and the advisory [~~committee~~] board.

(2) The outdoor recreation office may seek to accomplish the following objectives in administering the grant program:

- (a) rehabilitate or restore high priority trails for both motorized and nonmotorized uses;
- (b) rehabilitate or restore high demand recreation areas on public lands; and
- (c) encourage the public land entities to engage with volunteer groups to aid with portions of needed trail work.

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the outdoor recreation office shall make rules establishing the eligibility and reporting criteria for an entity to receive a recreation restoration infrastructure grant, including:

- (a) the form and process of submitting annual project proposals to the outdoor recreation office for a recreation restoration infrastructure grant;
- (b) which entities are eligible to apply for a recreation restoration infrastructure grant;
- (c) specific categories of recreation restoration projects that are eligible for a recreation restoration infrastructure grant;
- (d) the method and formula for determining recreation restoration infrastructure grant amounts; and
- (e) the reporting requirements of a recipient of a recreation restoration infrastructure grant.

Section 7. Section **63N-9-303** is amended to read:

63N-9-303. Award of recreation restoration infrastructure grants.

(1) In determining the award of a recreation restoration infrastructure grant, the advisory [~~committee~~] board shall prioritize projects that the advisory [~~committee~~] board considers to be high demand outdoor recreation amenities or high priority trails.

(2) The outdoor recreation office may give special consideration to projects from qualified applicants within rural counties to ensure geographic parity of the awarded money.

(3) (a) An applicant shall use a recreation restoration infrastructure grant to leverage private and other nonstate public money and the outdoor recreation office may give priority to projects that exceed a 50% match from the applicant.

(b) Leverage includes cash, resources, goods, or services necessary to complete a

project.

(c) The outdoor recreation office shall apply money from a cooperative agreement entered into with the United States Department of Agriculture or the United States Department of the Interior as a portion of the applicant's match.

(4) A recreation restoration infrastructure grant may only be awarded by the executive director after consultation with the director and the advisory [~~committee~~] board.

(5) A recreation restoration infrastructure grant is available for rehabilitation or restoration projects for high demand outdoor recreation amenities and high priority trails that relate directly to the visitor including:

(a) a trail, trail head infrastructure, signage, and crossing infrastructure, for both nonmotorized and motorized recreation;

(b) a campground or picnic area;

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

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

(6) The following are not eligible for a recreation restoration infrastructure grant:

(a) general facility operations and administrative costs;

(b) land acquisitions;

(c) visitor facilities, as defined by the outdoor recreation office by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

(d) water and utility systems; and

(e) employee housing.

(7) The outdoor recreation office shall compile data and report to the Business, Economic Development, and Labor Appropriations Subcommittee on the:

(a) effectiveness of the grant program in addressing the deferred maintenance and repair backlog of trails, campgrounds, and other recreation amenities on public lands;

(b) estimated value of the rehabilitation or restoration projects;

(c) number of miles of trails that are rehabilitated or restored; and

(d) leverage of state money to federal and private money and in-kind services such as volunteer labor.

Section 8. Section **63N-9-402** is amended to read:

63N-9-402. Creation and purpose of the UCORE grant program.

(1) (a) There is created a supplemental grant program within the Outdoor Recreation Infrastructure Grant Program, created in Section 63N-9-202, known as the Utah Children's Outdoor Recreation and Education Grant Program administered by the outdoor recreation office.

(b) Subject to Subsection (1)(c), 4% of the unencumbered amount in the Utah Outdoor Recreation Account, created in Section 63N-9-205, at the beginning of each fiscal year may be used for the UCORE grant program.

(c) The percentage outlined in Subsection (1)(b) may be increased or decreased at the beginning of a fiscal year if approved by the executive director after consultation with the director and advisory board.

(2) The outdoor recreation office may seek to accomplish the following objectives in administering the UCORE grant program:

(a) promote the health and social benefits of outdoor recreation to the state's children;

(b) encourage children to develop the skills and confidence to be physically active for life;

(c) provide outdoor recreational opportunities to underserved or underprivileged communities in the state; and

(d) encourage hands-on outdoor or nature-based learning and play to prepare children for achievement in science, technology, engineering, and math.

Section 9. Section 63N-9-403 is amended to read:

63N-9-403. Rulemaking and requirements for awarding a UCORE grant.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the outdoor recreation office shall make rules establishing the eligibility and reporting criteria for an entity to receive a UCORE grant, including:

(a) the form and process of submitting an application to the outdoor recreation office for a UCORE grant;

(b) which entities are eligible to apply for a UCORE grant;

(c) specific categories of children's programs that are eligible for a UCORE grant;

(d) the method and formula for determining grant amounts; and

(e) the reporting requirements of grant recipients.

(2) In determining the award of a UCORE grant, the outdoor recreation office may

307 prioritize a children's program that will serve an underprivileged or underserved community in
308 the state.

309 (3) A UCORE grant may only be awarded by the executive director after consultation
310 with the director and the advisory board.

311 (4) The following entities may not receive a UCORE grant under this part:

312 (a) a federal government entity;

313 (b) a state agency, except for public schools and institutions of higher education; and

314 (c) a for-profit entity.

315 (5) In awarding UCORE grants, consideration shall be given to entities that implement
316 programs that:

317 (a) contribute to healthy and active lifestyles through outdoor recreation; and

318 (b) include one or more of the following attributes in their programs or initiatives:

319 (i) serve children with the greatest needs in rural, suburban, and urban areas of the
320 state;

321 (ii) provide students with opportunities to directly experience nature;

322 (iii) maximize the number of children who can participate;

323 (iv) commit matching and in-kind resources;

324 (v) create partnerships with public and private entities;

325 (vi) include ongoing program evaluation and assessment;

326 (vii) utilize veterans in program implementation;

327 (viii) include outdoor or nature-based programming that incorporates concept learning
328 in science, technology, engineering, or math; or

329 (ix) utilize educated volunteers in program implementation.

330 Section 10. Section **63N-9-404** is amended to read:

331 **63N-9-404. Utah Children's Outdoor Recreation and Education Fund -- Uses --**
332 **Costs.**

333 (1) There is created an expendable special revenue fund known as the "Utah Children's
334 Outdoor Recreation and Education Fund," which the office shall use to fund the Utah
335 Children's Outdoor Recreation and Education Grant Program created in Section **63N-9-402**.

336 (2) The fund consists of:

337 (a) appropriations made by the Legislature;

(b) interest earned on the account; and

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

(3) The office shall, with the advice of the [~~Utah Outdoor Recreation Grant Advisory Committee created in Section 63N-9-204~~] advisory board, 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 11. **Effective date.**

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.