

1 **OUTDOOR RECREATION GRANT PROGRAM**

2 2017 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Ralph Okerlund**

5 House Sponsor: Brad R. Wilson

7 **LONG TITLE**

8 **General Description:**

9 This bill creates the State Transient Room Tax Act and modifies provisions related to
10 the Utah Office of Outdoor Recreation.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ imposes a state transient room tax on accommodations and related services;
- 15 ▶ creates the Outdoor Recreation Infrastructure Account and the Hospitality and
16 Tourism Management Education Account;
- 17 ▶ distributes the revenues the state collects from the state transient room tax to:
 - 18 • the Outdoor Recreation Infrastructure Account to implement the Outdoor
19 Recreational Infrastructure Grant Program; and
 - 20 • the Hospitality and Tourism Management Education Account to fund the
21 Hospitality and Tourism Management Career and Technical Education Pilot
22 Program; and
- 23 ▶ establishes the Utah Outdoor Recreation Grant Advisory Committee.

24 **Money Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 This bill provides a special effective date.

28 **Utah Code Sections Affected:**

29 AMENDS:

- 30 **63I-1-253**, as last amended by Laws of Utah 2016, Chapters 41, 63, and 169
- 31 **63I-1-259**, as last amended by Laws of Utah 2016, Chapters 350, 367, and 373
- 32 **63I-1-263**, as last amended by Laws of Utah 2016, Chapters 65, 136, 156, 322, and 408
- 33 **63N-9-102**, as last amended by Laws of Utah 2016, Chapter 88
- 34 **63N-9-203**, as enacted by Laws of Utah 2016, Chapter 88

35 ENACTS:

- 36 **53A-15-206**, Utah Code Annotated 1953
- 37 **53A-15-207**, Utah Code Annotated 1953
- 38 **59-28-101**, Utah Code Annotated 1953
- 39 **59-28-102**, Utah Code Annotated 1953
- 40 **59-28-103**, Utah Code Annotated 1953
- 41 **59-28-104**, Utah Code Annotated 1953
- 42 **59-28-105**, Utah Code Annotated 1953
- 43 **59-28-106**, Utah Code Annotated 1953
- 44 **59-28-107**, Utah Code Annotated 1953
- 45 **63N-9-204**, Utah Code Annotated 1953
- 46 **63N-9-205**, Utah Code Annotated 1953



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

49 Section 1. Section **53A-15-206** is enacted to read:

50 **53A-15-206. Hospitality and Tourism Management Career and Technical**

51 **Education Pilot Program.**

52 (1) As used in this section:

53 (a) "Board" means the State Board of Education.

54 (b) "Local education agency" means a school district or charter school.

55 (c) "Pilot program" means the Hospitality and Tourism Management Career and

56 Technical Education Pilot Program created under Subsection (2).

57 (2) There is created a Hospitality and Tourism Management Career and Technical

58 Education Pilot Program to provide instruction that a local education agency may offer to a
59 student in any of grades 9 through 12 on:

60 (a) the information and skills required for operational level employee positions in
61 hospitality and tourism management, including:

- 62 (i) hospitality soft skills;
- 63 (ii) operational areas of the hospitality industry;
- 64 (iii) sales and marketing; and
- 65 (iv) safety and security; and

66 (b) the leadership and managerial responsibilities, knowledge, and skills required by an
67 entry-level leader in hospitality and tourism management, including:

- 68 (i) hospitality leadership skills;
- 69 (ii) operational leadership;
- 70 (iii) managing food and beverage operations; and
- 71 (iv) managing business operations.

72 (3) The instruction described in Subsection (2) may be delivered in a public school
73 using live instruction, video, or online materials.

74 (4) (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the board
75 shall select one or more providers to supply materials and curriculum for the pilot program.

76 (b) The board may seek recommendations from trade associations and other entities
77 that have expertise in hospitality and tourism management regarding potential providers of
78 materials and curriculum for the pilot program.

79 (5) (a) A local education agency may apply to the board to participate in the pilot
80 program.

81 (b) The board shall select participants in the pilot program.

82 (c) A local education agency that participates in the pilot program shall use the
83 materials and curriculum supplied by a provider selected under Subsection (4).

84 (6) The board shall evaluate the pilot program and provide an annual written report to
85 the Education Interim Committee and the Economic Development and Workforce Services

86 Interim Committee on or before October 1 describing:

87 (a) how many local education agencies and how many students are participating in the
88 pilot program; and

89 (b) any recommended changes to the pilot program.

90 Section 2. Section **53A-15-207** is enacted to read:

91 **53A-15-207. Hospitality and Tourism Management Education Account -- Uses --**
92 **Costs.**

93 (1) There is created an expendable special revenue fund known as the "Hospitality and
94 Tourism Management Education Account," which the State Board of Education shall use to
95 fund the Hospitality and Tourism Management Career and Technical Education Pilot Program
96 created in Section [53A-15-206](#).

97 (2) The account consists of:

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

99 (b) interest earned on the account;

100 (c) appropriations made by the Legislature; and

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

103 (3) The State Board of Education shall administer the account.

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

105 (5) Interest accrued from investment of money in the account shall remain in the
106 account.

107 Section 3. Section **59-28-101** is enacted to read:

108 **CHAPTER 28. STATE TRANSIENT ROOM TAX ACT**

109 **59-28-101. Title.**

110 This chapter is known as the "State Transient Room Tax Act."

111 Section 4. Section **59-28-102** is enacted to read:

112 **59-28-102. Definitions.**

113 As used in this chapter:

- 114 (1) "Agreement" means the same as that term is defined in Section 59-12-102.
- 115 (2) "Certified service provider" means the same as that term is defined in Section
- 116 59-12-102.
- 117 (3) "Model 2 seller" means the same as that term is defined in Section 59-12-102.
- 118 (4) "Purchaser" means the same as that term is defined in Section 59-12-102.
- 119 (5) "Sales price" means the same as that term is defined in Section 59-12-102.
- 120 (6) "Seller" means the same as that term is defined in Section 59-12-102.

121 Section 5. Section **59-28-103** is enacted to read:

122 **59-28-103. Imposition -- Rate -- Revenue distribution.**

123 (1) Subject to the other provisions of this chapter, the state shall impose a tax on the

124 transactions described in Subsection 59-12-103(1)(i) at a rate of .32%.

125 (2) The tax imposed under this chapter is in addition to any other taxes imposed on the

126 transactions described in Subsection 59-12-103(1)(i).

127 (3) (a) (i) Subject to Subsection (3)(a)(ii), the commission shall deposit 6% of the

128 revenue the state collects from the tax under this chapter into the Hospitality and Tourism

129 Management Education Account created in Section 53A-15-207 to fund the Hospitality and

130 Tourism Management Career and Technical Education Pilot Program created in Section

131 53A-15-206.

132 (ii) The commission may not deposit more than \$300,000 into the Hospitality and

133 Tourism Management Education Account under Subsection (3)(a)(i) in a fiscal year.

134 (b) Except for the amount deposited into the Hospitality and Tourism Management

135 Education Account under Subsection (3)(a) and the administrative charge retained under

136 Subsection 59-28-104(4), the commission shall deposit any revenue the state collects from the

137 tax under this chapter into the Outdoor Recreation Infrastructure Account created in Section

138 63N-9-205 to fund the Outdoor Recreational Infrastructure Grant Program created in Section

139 63N-9-202.

140 Section 6. Section **59-28-104** is enacted to read:

141 **59-28-104. Collection of tax.**

142 (1) Except as provided in Subsection (2), the commission shall administer, collect, and
143 enforce a tax under this chapter in accordance with:

144 (a) Chapter 1, General Taxation Policies; and

145 (b) the same procedures used to administer, collect, and enforce the tax under Chapter
146 12, Part 1, Tax Collection.

147 (2) A tax under this chapter is not subject to Section [59-12-107.1](#) or [59-12-123](#).

148 (3) A seller required to collect a tax under this chapter may retain 6% of any amounts
149 the seller is required to remit to the commission under this chapter for the costs of collecting
150 the tax.

151 (4) The commission shall retain and deposit an administrative charge in accordance
152 with Section [59-1-306](#) from the revenues the commission collects from a tax under this
153 chapter.

154 Section 7. Section **59-28-105** is enacted to read:

155 **59-28-105. Seller or certified service provider reliance on commission**
156 **information.**

157 A seller or certified service provider is not liable for failing to collect a tax at a tax rate
158 imposed under this chapter if the seller's or certified service provider's failure to collect the tax
159 is as a result of the seller's or certified service provider's reliance on incorrect data provided by
160 the commission in a database created by the commission:

161 (1) containing tax rates or boundaries regarding a tax under this chapter; or

162 (2) indicating the taxability of transactions described in Subsection [59-12-103\(1\)\(i\)](#).

163 Section 8. Section **59-28-106** is enacted to read:

164 **59-28-106. Certified service provider or model 2 seller reliance on commission**
165 **certified software.**

166 (1) Except as provided in Subsection (2) and subject to Subsection (4), a certified
167 service provider or model 2 seller is not liable for failing to collect a tax required under this
168 chapter if:

169 (a) the certified service provider or model 2 seller relies on software the commission

170 certifies; and

171 (b) the certified service provider's or model 2 seller's failure to collect a tax required
172 under this chapter is as a result of the seller's or certified service provider's reliance on incorrect
173 data:

- 174 (i) provided by the commission; or
- 175 (ii) in the software the commission certifies.

176 (2) The relief from liability described in Subsection (1) does not apply if a certified
177 service provider or model 2 seller incorrectly classifies an item or transaction into a product
178 category the commission certifies.

179 (3) If the taxability of a product category is incorrectly classified in software the
180 commission certifies, the commission shall:

181 (a) notify a certified service provider or model 2 seller of the incorrect classification of
182 the taxability of a product category in software the commission certifies; and

183 (b) state in the notice required by Subsection (3)(a) that, if the certified service provider
184 or model 2 seller fails to correct the taxability of the item or transaction within 10 days after the
185 day on which the certified service provider or model 2 seller receives the notice, the certified
186 service provider or model 2 seller is liable for failing to collect the correct amount of tax under
187 this chapter on the incorrectly classified product category.

188 (4) If a certified service provider or model 2 seller fails to correct the taxability of an
189 item or transaction within 10 days after the day on which the certified service provider or
190 model 2 seller receives the notice described in Subsection (3), the certified service provider or
191 model 2 seller is liable for failing to collect the correct amount of tax under this chapter on the
192 item or transaction.

193 Section 9. Section **59-28-107** is enacted to read:

194 **59-28-107. Purchaser relief from liability.**

195 (1) (a) Except as provided in Subsection (1)(b), a purchaser is relieved from a penalty
196 under Section [59-1-401](#) for failure to pay a tax due under this chapter or an underpayment if:

- 197 (i) the purchaser's seller or certified service provider relies on incorrect data provided

198 by the commission:

199 (A) on a tax rate;

200 (B) on a boundary;

201 (C) on a taxing jurisdiction; or

202 (D) in the taxability matrix the commission provides in accordance with the agreement;

203 or

204 (ii) the purchaser, regardless of whether the purchaser holds a direct payment permit in
205 accordance with Section 59-12-107.1, relies on incorrect data provided by the commission:

206 (A) on a tax rate;

207 (B) on a boundary;

208 (C) on a taxing jurisdiction; or

209 (D) in the taxability matrix the commission provides in accordance with the agreement.

210 (b) For purposes of Subsection (1)(a), a purchaser is not relieved from a penalty under
211 Section 59-1-401 for failure to pay a tax due under this chapter or an underpayment if the
212 purchaser's, the purchaser's seller's, or the purchaser's certified service provider's reliance on
213 incorrect data provided by the commission is as a result of conduct that is:

214 (i) fraudulent;

215 (ii) intentional; or

216 (iii) willful.

217 (2) In addition to the relief from a penalty described in Subsection (1), a purchaser is
218 not liable for a tax or interest under Section 59-1-402 for failure to pay a tax due under this
219 chapter or an underpayment if:

220 (a) the purchaser's seller or certified service provider relies on:

221 (i) incorrect data provided by the commission:

222 (A) on a tax rate;

223 (B) on a boundary; or

224 (C) on a taxing jurisdiction; or

225 (ii) an erroneous classification by the commission:

226 (A) in the taxability matrix the commission provides in accordance with the agreement;

227 and

228 (B) with respect to a term in the library of definitions that is listed as taxable or

229 exempt, included in or excluded from "sales price," or included in or excluded from a

230 definition; or

231 (b) the purchaser, regardless of whether the purchaser holds a direct payment permit in

232 accordance with Section 59-12-107.1, relies on:

233 (i) incorrect data provided by the commission:

234 (A) on a tax rate;

235 (B) on a boundary; or

236 (C) on a taxing jurisdiction; or

237 (ii) an erroneous classification by the commission:

238 (A) in the taxability matrix the commission provides in accordance with the agreement;

239 and

240 (B) with respect to a term in the library of definitions that is listed as taxable or

241 exempt, included in or excluded from "sales price," or included in or excluded from a

242 definition.

243 Section 10. Section **63I-1-253** is amended to read:

244 **63I-1-253. Repeal dates, Titles 53, 53A, and 53B.**

245 The following provisions are repealed on the following dates:

246 (1) Subsection 53-10-202(18) is repealed July 1, 2018.

247 (2) Section 53-10-202.1 is repealed July 1, 2018.

248 (3) Title 53A, Chapter 1a, Part 6, Public Education Job Enhancement Program, is
249 repealed July 1, 2020.

250 (4) Section 53A-13-106.5 is repealed July 1, 2019.

251 (5) Section 53A-15-106 is repealed July 1, 2019.

252 (6) Sections 53A-15-206 and 53A-15-207 are repealed January 1, 2023.

253 [(6)] (7) Subsections 53A-16-113(3) and (4) are repealed December 31, 2016.

254 ~~[(7)]~~ (8) Section 53A-16-114 is repealed December 31, 2016.

255 ~~[(8)]~~ (9) Section 53A-17a-163, Performance-based Compensation Pilot Program, is
256 repealed July 1, 2016.

257 ~~[(9)]~~ (10) Title 53A, Chapter 31, Part 4, American Indian and Alaskan Native
258 Education State Plan Pilot Program, is repealed July 1, 2022.

259 ~~[(10)]~~ (11) Section 53B-24-402, Rural residency training program, is repealed July 1,
260 2020.

261 ~~[(11)]~~ (12) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of
262 money from the Land Exchange Distribution Account to the Geological Survey for test wells,
263 other hydrologic studies, and air quality monitoring in the West Desert, is repealed July 1,
264 2020.

265 Section 11. Section 63I-1-259 is amended to read:

266 **63I-1-259. Repeal dates, Title 59.**

267 (1) Subsection 59-2-924(7) is repealed on December 31, 2016.

268 (2) Subsection 59-2-924.2(9) is repealed on December 31, 2017.

269 (3) Section 59-2-924.3 is repealed on December 31, 2016.

270 (4) Section 59-7-618 is repealed July 1, 2020.

271 (5) Section 59-9-102.5 is repealed December 31, 2020.

272 (6) Section 59-10-1033 is repealed July 1, 2020.

273 (7) Subsection 59-12-2219(13) is repealed on June 30, 2020.

274 ~~(8) Title 59, Chapter 28, State Transient Room Tax Act, is repealed on January 1,~~
275 2023.

276 Section 12. Section 63I-1-263 is amended to read:

277 **63I-1-263. Repeal dates, Titles 63A to 63N.**

278 (1) Subsection 63A-5-104(4)(h) is repealed on July 1, 2024.

279 (2) Section 63A-5-603, State Facility Energy Efficiency Fund, is repealed July 1, 2023.

280 (3) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
281 1, 2018.

282 (4) Title 63C, Chapter 4b, Commission for the Stewardship of Public Lands, is
283 repealed November 30, 2019.

284 (5) Title 63C, Chapter 16, Prison Development Commission Act, is repealed July 1,
285 2020.

286 (6) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
287 repealed July 1, 2021.

288 (7) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,
289 2020.

290 (8) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.

291 (9) On July 1, 2025:

292 (a) in Subsection 17-27a-404(3)(c)(ii), the language that states "the Resource
293 Development Coordinating Committee," is repealed;

294 (b) Subsection 23-14-21(2)(c) is amended to read "(c) provide notification of proposed
295 sites for the transplant of species to local government officials having jurisdiction over areas
296 that may be affected by a transplant.";

297 (c) in Subsection 23-14-21(3), the language that states "and the Resource Development
298 Coordinating Committee" is repealed;

299 (d) in Subsection 23-21-2.3(1), the language that states "the Resource Development
300 Coordinating Committee created in Section 63J-4-501 and" is repealed;

301 (e) in Subsection 23-21-2.3(2), the language that states "the Resource Development
302 Coordinating Committee and" is repealed;

303 (f) Subsection 63J-4-102(1) is repealed and the remaining subsections are renumbered
304 accordingly;

305 (g) Subsections 63J-4-401(5)(a) and (c) are repealed;

306 (h) Subsection 63J-4-401(5)(b) is renumbered to Subsection 63J-4-401(5)(a) and the
307 word "and" is inserted immediately after the semicolon;

308 (i) Subsection 63J-4-401(5)(d) is renumbered to Subsection 63J-4-401(5)(b);

309 (j) Sections 63J-4-501, 63J-4-502, 63J-4-503, 63J-4-504, and 63J-4-505 are repealed;

310 and

311 (k) Subsection 63J-4-603(1)(e)(iv) is repealed and the remaining subsections are
312 renumbered accordingly.

313 (10) The Crime Victim Reparations and Assistance Board, created in Section
314 63M-7-504, is repealed July 1, 2017.

315 (11) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2017.

316 (12) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2018.

317 (13) (a) Title 63N, Chapter 2, Part 4, Recycling Market Development Zone Act, is
318 repealed January 1, 2021.

319 (b) Subject to Subsection (13)(c), Sections 59-7-610 and 59-10-1007 regarding tax
320 credits for certain persons in recycling market development zones, are repealed for taxable
321 years beginning on or after January 1, 2021.

322 (c) A person may not claim a tax credit under Section 59-7-610 or 59-10-1007:

323 (i) for the purchase price of machinery or equipment described in Section 59-7-610 or
324 59-10-1007, if the machinery or equipment is purchased on or after January 1, 2021; or

325 (ii) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), if
326 the expenditure is made on or after January 1, 2021.

327 (d) Notwithstanding Subsections (13)(b) and (c), a person may carry forward a tax
328 credit in accordance with Section 59-7-610 or 59-10-1007 if:

329 (i) the person is entitled to a tax credit under Section 59-7-610 or 59-10-1007; and

330 (ii) (A) for the purchase price of machinery or equipment described in Section
331 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before December 31,
332 2020; or

333 (B) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), the
334 expenditure is made on or before December 31, 2020.

335 (14) Section 63N-2-512 is repealed on July 1, 2021.

336 (15) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed
337 January 1, 2021.

338 (b) Section 59-9-107 regarding tax credits against premium taxes is repealed for
 339 calendar years beginning on or after January 1, 2021.

340 (c) Notwithstanding Subsection (15)(b), an entity may carry forward a tax credit in
 341 accordance with Section 59-9-107 if:

342 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December
 343 31, 2020; and

344 (ii) the qualified equity investment that is the basis of the tax credit is certified under
 345 Section 63N-2-603 on or before December 31, 2023.

346 (16) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program,
 347 is repealed January 1, 2023.

348 ~~[(16)]~~ (17) Title 63N, Chapter 12, Part 3, Utah Broadband Outreach Center, is repealed
 349 July 1, 2018.

350 Section 13. Section 63N-9-102 is amended to read:

351 **63N-9-102. Definitions.**

352 As used in this chapter:

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

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

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

358 (2) "Director" means the director of the outdoor recreation office.

359 (3) "Executive director" means the executive director of GOED.

360 (4) "Infrastructure grant" means an outdoor recreational infrastructure grant described
 361 in Section 63N-9-202.

362 (5) "Outdoor recreation office" means the Utah Office of Outdoor Recreation created in
 363 Section 63N-9-104.

364 (6) (a) "Recreational infrastructure project" means an undertaking to build or improve
 365 the approved facilities~~[, services,]~~ and installations needed for the public to access and enjoy

366 the state's outdoors.

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

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

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

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

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

374 (v) construction or improvement of a community park that has amenities for outdoor
375 recreation; and

376 (vi) construction or improvement of a naturalistic and accessible playground~~[, and]~~.

377 ~~[(vii) development, establishment, or expansion of a program for youth related to
378 outdoor recreation.]~~

379 (7) "Underserved or underprivileged community" means a group of people, including a
380 municipality, county, or American Indian tribe that:

381 (a) has limited access or has demonstrated a low level of use of recreational
382 infrastructure; and

383 (b) is economically disadvantaged.

384 Section 14. Section **63N-9-203** is amended to read:

385 **63N-9-203. Rulemaking and requirements for awarding an infrastructure grant.**

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

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

391 (b) which entities are eligible to apply for an infrastructure grant;

392 (c) specific categories of recreational infrastructure projects that are eligible for an
393 infrastructure grant;

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

395 (e) the reporting requirements of grant recipients.

396 (2) In determining the award of an infrastructure grant, the outdoor recreation office
397 may prioritize a recreational infrastructure project that will serve an underprivileged or
398 underserved community.

399 (3) An infrastructure grant may only be awarded by the executive director after
400 consultation with the director and the board.

401 (4) The following entities may not receive an infrastructure grant under this part:

402 (a) a federal government entity;

403 (b) a state agency; and

404 (c) a for-profit entity.

405 (5) An infrastructure grant may only be awarded under this part:

406 (a) for a recreational infrastructure project that is accessible to the general public; and

407 (b) subject to Subsections (6) and (7), if the grant recipient agrees to provide matching
408 funds having a value equal to or greater than the amount of the infrastructure grant.

409 (6) Up to 50% of the grant recipient match described in Subsection (5)(b) may be
410 provided through an in-kind contribution by the grant recipient, if:

411 (a) approved by the executive director after consultation with the director and the
412 board; and

413 (b) the in-kind donation does not include real property.

414 (7) An infrastructure grant may not be awarded under this part if the grant, or the grant
415 recipient match described in Subsection (5)(b), will be used for the purchase of real property or
416 for the purchase or transfer of a conservation easement.

417 Section 15. Section **63N-9-204** is enacted to read:

418 **63N-9-204. Utah Outdoor Recreation Grant Advisory Committee -- Membership**

419 **-- Duties -- Expenses.**

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

422 (2) There is created in the office the Utah Outdoor Recreation Grant Advisory
423 Committee, composed of the following 14 members:
424 (a) five members representing state or federal government as follows:
425 (i) the director;
426 (ii) the director of the Division of Parks and Recreation created in Section [79-4-201](#) or
427 the director's designee;
428 (iii) one member who is an employee of the office engaged in the duties described in
429 Section [63N-7-201](#), appointed by the executive director;
430 (iv) one member representing the Bureau of Land Management, appointed by the
431 executive director; and
432 (v) one member representing the National Park Service Rivers, Trails, and
433 Conservation Assistance Program, appointed by the executive director;
434 (b) nine members representing local government, the private sector, or the public that
435 are knowledgeable about outdoor recreation activities or tourism-based economic development,
436 appointed by the executive director as follows:
437 (i) one member representing municipal government, recommended by the Utah League
438 of Cities and Towns;
439 (ii) one member representing county government, recommended by the Utah
440 Association of Counties;
441 (iii) two members representing the outdoor industry;
442 (iv) one member representing the Utah Tourism Industry Association;
443 (v) one member representing the Utah Hotel and Lodging Association;
444 (vi) one member representing the health care industry;
445 (vii) one member representing multi-ability groups or programs; and
446 (viii) one member representing a university outdoor recreation, parks, or tourism
447 department; and
448 (c) one of the members appointed under Subsection (2)(b)(i) or (ii) shall represent rural
449 interests.

450 (3) The advisory committee shall advise and make recommendations to the office
451 regarding infrastructure grants.

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

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

459 (5) The director shall serve as chair of the advisory committee.

460 (6) The advisory committee shall elect annually a vice chair from the advisory
461 committee's members.

462 (7) When a vacancy occurs in the membership for any reason, the executive director
463 shall appoint the replacement for the unexpired term.

464 (8) A majority of the advisory committee constitutes a quorum for the purpose of
465 conducting advisory committee business and the action of a majority of a quorum constitutes
466 the action of the advisory committee.

467 (9) The office shall provide administrative staff support for the advisory committee.

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

471 (a) Section [63A-3-106](#);

472 (b) Section [63A-3-107](#); and

473 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
474 [63A-3-107](#).

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

478 Section 16. Section **63N-9-205** is enacted to read:

479 **63N-9-205. Utah Outdoor Recreation Infrastructure Account -- Uses -- Costs.**

480 (1) There is created an expendable special revenue fund known as the "Outdoor
481 Recreation Infrastructure Account," which the office shall use to fund the Outdoor Recreational
482 Infrastructure Grant Program created in Section 63N-9-202.

483 (2) The account consists of:

484 (a) distributions to the account under Section 59-28-103;

485 (b) interest earned on the account;

486 (c) appropriations made by the Legislature; and

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

489 (3) The office shall, with the advice of the Utah Outdoor Recreation Grant Advisory
490 Committee created in Section 63N-9-204, administer the account.

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

492 (5) Interest accrued from investment of money in the account shall remain in the
493 account.

494 Section 17. **Effective date.**

495 This bill takes effect on January 1, 2018.