

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

March 16, 2023
Date

Committee on Agriculture & Natural Resources.

After consideration on the merits, the Committee recommends the following:

SB23-059 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

- 1 Amend printed bill, page 3, line 11, strike "and wildlife areas".
- 2 Page 3, line 13, strike "parks and wildlife areas;" and substitute "parks;".
- 3 Page 3, line 15, after "partnership" insert "with the state and other
4 partners".
- 5 Page 3, strike lines 17 through 27.
- 6 Page 4, strike lines 1 to 6 and substitute:
7 "(f) Establishing a new fee on daily vehicle passes may provide
8 local governments".
- 9 Page 4 strike lines 11 through 27.
- 10 Strike pages 5 and 6 and substitute:
11 **"33-10-117. State park access - fees - definitions - rules.**
12 (1) (a) UPON REQUEST OF ONE OR MORE LOCAL GOVERNMENTS".
- 13 Renumber succeeding subsections accordingly.
- 14 Page 7, line 1, strike "RECREATIONAL" and substitute "LOCAL".
- 15 Page 7, line 13, strike "(4)(c)" and substitute "(1)(c)".
- 16 Page 7, after line 18, insert:

1 "(d) (I) (A) THE LOCAL ACCESS ROUTE CASH FUND IS CREATED IN
2 THE STATE TREASURY. THE FUND CONSISTS OF MONEY CREDITED TO THE
3 FUND IN ACCORDANCE WITH THIS SUBSECTION (1)(AND ANY OTHER
4 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER
5 TO THE FUND.

6 (B) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
7 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
8 FUND TO THE FUND.

9 (C) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
10 DIVISION TO IMPLEMENT THIS SECTION.

11 (II) THE DIVISION SHALL PERFORM, ON AN ANNUAL BASIS, AN
12 ANALYSIS TO DETERMINE THE NET INCREMENTAL COST OF THE
13 COLLECTION AND ADMINISTRATION OF THE FEE. THE DIVISION MAY RETAIN
14 A PORTION OF THE FEE TO COVER THE COST OF COLLECTING AND
15 ADMINISTERING THE FEE, BUT MAY RETAIN ONLY THE AMOUNT OF THE FEE
16 THAT IS DETERMINED TO BE NECESSARY BY THE COST ANALYSIS. THE
17 DIVISION SHALL NOT RETAIN MORE THAN THREE AND ONE-THIRD PERCENT
18 OF THE FEE. THE DIVISION SHALL TRANSMIT THE RETAINED PORTION OF
19 THE FEE TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE
20 PARKS AND OUTDOOR RECREATION CASH FUND CREATED IN SECTION
21 33-10-111."

22 Page 7, line 20, strike "(4)" and substitute "(1)".

23 Page 7, strike lines 23 and 24 and substitute "TRANSFER THE FEE, MINUS
24 THE AMOUNT RETAINED UNDER SUBSECTION (1)(d) OF THIS SECTION, TO
25 THE STATE TREASURER, WHO SHALL CREDIT THE FEE TO THE FUND. THE
26 DIVISION SHALL TRANSFER THE REMAINDER OF FEE FROM THE FUND TO THE
27 LOCAL GOVERNMENT THAT REQUESTED THE FEE AND IS RESPONSIBLE FOR
28 THE LOCAL ACCESS ROUTE. IF A STATE".

29 Page 7, line 25, strike "RECREATIONAL" and substitute "LOCAL".

30 Page 7, line 27, strike "(4)(a)" and substitute "(1)(a)".

31 Page 8, line 7, strike "(5)" and substitute "(2)".

32 Page 8, lines 7 and 8, strike "PARKS AND WILDLIFE AREAS." and substitute
33 "PARKS."

34 Page 8, line 16, strike "(4)" and substitute "(1)".

1 Page 8, lines 18 and 19, strike "STATE PARK AND WILDLIFE AREA ACCESS
2 GRANT FUND CREATED IN SUBSECTION (2)" and substitute "LOCAL ACCESS
3 ROUTE CASH FUND CREATED IN SUBSECTION (1)(d)(I)".

4 Page 8, strike lines 20 through 27 and substitute:

5 "(d) "LOCAL ACCESS ROUTE" MEANS A RIGHT-OF-WAY, INCLUDING
6 A BIKE OR PEDESTRIAN PATH, THAT IS NORMALLY USED TO TRAVEL TO OR
7 FROM A STATE PARK.

8 (e) "LOCAL GOVERNMENT" MEANS A CITY, COUNTY, CITY AND
9 COUNTY, OR SPECIAL DISTRICT OF THIS STATE."

10 Strike pages 9 through 12 and substitute:

11 **"33-10-118. Division to study access to state parks.** (1) THE

12 DIVISION SHALL COLLABORATE WITH LOCAL GOVERNMENTS TO IDENTIFY:

13 (a) DEFICITS OR PROBABLE DEFICITS WITH LOCAL
14 TRANSPORTATION INFRASTRUCTURE AND SERVICES USED BY VISITORS TO
15 ACCESS STATE PARKS; AND

16 (b) SOURCES OF FUNDING AND PARTNERSHIPS TO ADDRESS THE
17 DEFICITS OR POTENTIAL DEFICITS DESCRIBED IN SUBSECTION (1)(a) OF THIS
18 SECTION.

19 (2) IN STUDYING THE ISSUES DESCRIBED IN SUBSECTION (1) OF THIS
20 SECTION, THE DIVISION SHALL CONSIDER:

21 (a) THE USE OF AND EFFECT ON LOCAL TRANSPORTATION
22 INFRASTRUCTURE AND SERVICES OF VISITORS TRAVELING TO AND FROM
23 STATE PARKS;

24 (b) INFRASTRUCTURE COSTS INCURRED BY LOCAL GOVERNMENT
25 IN SUPPORTING THE STATE IN MANAGING STATE PARKS AND THE
26 APPROPRIATENESS OF THE DIVISION OR OTHER PERSONS, INCLUDING USERS,
27 TO HELP SUPPORT INFRASTRUCTURE FUNDING;

28 (c) ECONOMIC AND COMMUNITY BENEFITS AND NEGATIVE EFFECTS
29 OF STATE PARKS ON LOCAL ECONOMIES, AND THE DIFFERENCE IN BENEFITS
30 AND EFFECTS INCURRED BY COUNTIES AND MUNICIPALITIES;

31 (d) LOCAL GOVERNMENT REVENUE, INCLUDING FEES,
32 ASSESSMENTS, AND TAXES, AND PAYMENTS BY THE DIVISION IN LIEU OF
33 TAXES THAT ARE AVAILABLE TO:

34 (I) DEVELOP AND MAINTAIN TRANSPORTATION INFRASTRUCTURE;
35 OR

36 (II) PROVIDE TRANSPORTATION SERVICES RELATED TO
37 RECREATION;

38 (e) METHODS OF PROVIDING GUIDANCE TO DETERMINE WHICH
39 LOCAL ACCESS ROUTES SHOULD BE ELIGIBLE FOR ANY IDENTIFIED

1 FUNDING;
2 (f) PAST EXAMPLES OF ISSUES WITH PROVIDING LOCAL
3 TRANSPORTATION INFRASTRUCTURE AND SERVICES USED TO ACCESS STATE
4 MANAGED RECREATIONAL LAND, AND OPPORTUNITIES TO WORK WITH THE
5 DIVISION IN ADDRESSING THOSE ISSUES BOTH AT THE INCEPTION STAGE
6 AND OVER THE LIFESPAN OF THE STATE PARK;
7 (g) CURRENT RESOURCES AVAILABLE FOR AND DEDICATED TO A
8 COMMUNITY'S LOCAL TRANSPORTATION INFRASTRUCTURE AND SERVICES
9 FOR A BASELINE OF EXISTING MAINTENANCE BUDGETS, NEW SOURCES OF
10 FUNDING OR PARTNERSHIPS TO ASSIST IN THE MAINTENANCE OF LOCAL
11 ACCESS ROUTES TO AND FROM STATE PARKS, AND THE PREDICTABILITY
12 AND RELIABILITY OF THE SOURCES;
13 (h) THE LOCAL GOVERNMENT'S FINANCIAL DEMANDS OF
14 MAINTAINING TRANSPORTATION INFRASTRUCTURE AND SERVICES NEEDED
15 TO ACCESS STATE PARKS IN RELATIONSHIP TO THE FINANCIAL DEMANDS OF
16 MAINTAINING OTHER LOCAL TRANSPORTATION INFRASTRUCTURE AND
17 SERVICES WITHIN THE LOCAL JURISDICTION; AND
18 (i) THE EFFECTS OF LOCAL TRANSPORTATION CONDITIONS ON
19 LOCAL ACCESS ROUTES SERVING STATE PARKS ON THE VISITOR
20 EXPERIENCE.
21 (3) AFTER PERFORMING THE INITIAL STUDY REQUIRED IN
22 SUBSECTION (2) OF THIS SECTION, THE DIVISION SHALL SEEK COMMENTS
23 FROM THE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF
24 LOCAL AFFAIRS BEFORE COMPLETING THE STUDY.
25 (4) THE DIVISION SHALL COMPLETE THE STUDY DESCRIBED IN THIS
26 SECTION AND MAKE LEGISLATIVE RECOMMENDATIONS TO THE GENERAL
27 ASSEMBLY BY NOVEMBER 1, 2024. THE RECOMMENDATIONS MUST
28 INCLUDE SOURCES FOR FUNDING OR PARTNERSHIPS TO ASSIST IN THE
29 MAINTENANCE OF LOCAL TRANSPORTATION INFRASTRUCTURE AND
30 SERVICES ASSOCIATED WITH STATE PARKS."

31 Page 13, strike lines 1 and 2.

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