

Representative Patrice M. Arent proposes the following substitute bill:

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OFFICE OF OUTDOOR RECREATION AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Patrice M. Arent

Senate Sponsor: Ralph Okerlund

LONG TITLE

General Description:

This bill modifies provisions related to the Utah Office of Outdoor Recreation.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Outdoor Recreational Infrastructure Grant Program;
- ▶ describes the requirements and purposes of the program;
- ▶ grants rulemaking authority to the Utah Office of Outdoor Recreation; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2017:

- ▶ to the Governor's Office of Economic Development -- Utah Office of Outdoor Recreation -- Outdoor Recreational Infrastructure Grant Program as a one-time appropriation:
 - from the General Fund, One-time, \$5,000,000

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- [63N-9-102](#), as renumbered and amended by Laws of Utah 2015, Chapter 283
- [63N-9-104](#), as renumbered and amended by Laws of Utah 2015, Chapter 283
- [63N-9-105](#), as renumbered and amended by Laws of Utah 2015, Chapter 283
- [63N-9-106](#), as renumbered and amended by Laws of Utah 2015, Chapter 283

ENACTS:

- [63N-9-201](#), Utah Code Annotated 1953
- [63N-9-202](#), Utah Code Annotated 1953
- [63N-9-203](#), Utah Code Annotated 1953

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

Section 1. 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.

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

[(2)] (3) "Executive director" means the executive director of GOED.

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

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

(6) (a) "Recreational infrastructure project" means an undertaking to build or improve the approved facilities, services, 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;

- 57 (ii) construction of a project for water-related outdoor recreational activities;
58 (iii) development of a project for wildlife watching opportunities, including bird
59 watching;
60 (iv) development of a project that provides winter recreation amenities;
61 (v) construction or improvement of a community park that has amenities for outdoor
62 recreation;
63 (vi) construction or improvement of a naturalistic and accessible playground; and
64 (vii) development, establishment, or expansion of a program for youth related to
65 outdoor recreation.

66 (Z) "Underserved or underprivileged community" means a group of people, including a
67 municipality, county, or American Indian tribe that:

- 68 (a) has limited access or has demonstrated a low level of use of recreational
69 infrastructure; and
70 (b) is economically disadvantaged.

71 Section 2. Section **63N-9-104** is amended to read:

72 **63N-9-104. Creation of outdoor recreation office and appointment of director --**
73 **Responsibilities of outdoor recreation office.**

74 (1) There is created within the Governor's Office of Economic Development the Utah
75 Office of Outdoor Recreation.

76 (2) (a) The executive director shall appoint a director of the outdoor recreation office.

77 (b) The director shall report to the executive director and may appoint staff.

78 (3) The ~~[purposes of the office are to]~~ outdoor recreation office shall:

79 (a) coordinate outdoor recreation policy, management, and promotion:

80 (i) among state and federal agencies and local government entities in the state; and

81 (ii) with the Public Lands Policy Coordinating Office created in Section [63J-4-602](#), if
82 public land is involved;

83 (b) promote economic development in the state by:

84 (i) coordinating with outdoor recreation stakeholders;

85 (ii) improving recreational opportunities; and

86 (iii) recruiting outdoor recreation business;

87 (c) recommend to the governor and Legislature policies and initiatives to enhance

88 recreational amenities and experiences in the state and help implement those policies and
89 initiatives;

90 (d) develop data regarding the impacts of outdoor recreation in the state; and

91 (e) promote the health and social benefits of outdoor recreation, especially to young
92 people.

93 (4) By following the procedures and requirements of Title 63J, Chapter 5, Federal
94 Funds Procedures Act, the outdoor recreation office may:

95 (a) seek federal grants or loans;

96 (b) seek to participate in federal programs; and

97 (c) in accordance with applicable federal program guidelines, administer federally
98 funded outdoor recreation programs.

99 (5) For purposes of administering this part, the outdoor recreation office may make
100 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

101 Section 3. Section **63N-9-105** is amended to read:

102 **63N-9-105. Duties of director.**

103 ~~[(1)]~~ The director shall:

104 ~~[(a) assure]~~ (1) ensure that the ~~[purposes]~~ responsibilities of the outdoor recreation
105 office outlined in [Subsection 63N-9-104(3)] this chapter are fulfilled; and

106 ~~[(b)]~~ (2) organize and provide administrative oversight to the outdoor recreation office
107 staff.

108 ~~[(2) By following the procedures and requirements of Title 63J, Chapter 5, Federal~~
109 ~~Funds Procedures Act, the outdoor recreation office may:]~~

110 ~~[(a) seek federal grants or loans;]~~

111 ~~[(b) seek to participate in federal programs; and]~~

112 ~~[(c) in accordance with applicable federal program guidelines, administer federally~~
113 ~~funded outdoor recreation programs:]~~

114 ~~[(3) For purposes of administering this part, the outdoor recreation office may make~~
115 ~~rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.]~~

116 Section 4. Section **63N-9-106** is amended to read:

117 **63N-9-106. Annual report.**

118 The executive director shall include in the annual written report described in Section

119 [63N-1-301](#)[-] a report from the director on the activities of the outdoor recreation office,
120 including a description and the amount of any awarded infrastructure grants.

121 Section 5. Section **63N-9-201** is enacted to read:

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Part 2. Outdoor Recreational Infrastructure Grant Program

123 **63N-9-201. Title.**

124 This part is known as the "Outdoor Recreational Infrastructure Grant Program."

125 Section 6. Section **63N-9-202** is enacted to read:

126 **63N-9-202. Creation and purpose of infrastructure grant program.**

127 (1) There is created the Outdoor Recreational Infrastructure Grant Program
128 administered by the outdoor recreation office.

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

131 (a) build, maintain, and promote recreational infrastructure to provide greater access to
132 low-cost outdoor recreation for the state's citizens;
133 (b) encourage residents and nonresidents of the state to take advantage of the beauty of
134 Utah's outdoors;
135 (c) encourage individuals and businesses to relocate to the state;
136 (d) promote outdoor exercise; and
137 (e) provide outdoor recreational opportunities to an underserved or underprivileged
138 community in the state.
139 Section 7. Section **63N-9-203** is enacted to read:
140 **63N-9-203. Rulemaking and requirements for awarding an infrastructure grant.**
141 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
142 outdoor recreation office shall make rules establishing the eligibility and reporting criteria for
143 an entity to receive an infrastructure grant, including:
144 (a) the form and process of submitting an application to the outdoor recreation office
145 for an infrastructure grant;
146 (b) which entities are eligible to apply for an infrastructure grant;
147 (c) specific categories of projects that are eligible for an infrastructure grant;
148 (d) the method and formula for determining grant amounts; and
149 (e) the reporting requirements of grant recipients.

150 (2) In determining the award of an infrastructure grant, the outdoor recreation office
151 may prioritize a project that will serve an underprivileged or underserved community.
152 (3) An infrastructure grant may only be awarded by the executive director after
153 consultation with the director and the board.
154 (4) The following entities may not receive an infrastructure grant under this part:
155 (a) a federal government entity;
156 (b) a state agency; and
157 (c) a for-profit entity.
158 (5) An infrastructure grant may only be awarded under this part:
159 (a) for a project that is accessible to the general public; and
160 (b) subject to ~~H~~ → [Subsection (6)] Subsections (6) and (7), ← H , if the grant recipient
160a agrees to provide matching funds
161 having a value equal to or greater than the amount of the infrastructure grant.
162 (6) Up to 50% of the grant recipient match described in Subsection (5)(b) may be
163 provided through an in-kind contribution by the grant recipient, if ~~H~~ → :
163a (a) ← H approved by the executive
164 director after consultation with the director and the board ~~H~~ → [] ; and
164a (b) the in-kind donation does not include real property.
164b (7) An infrastructure grant may not be awarded under this part if the grant, or the
164c grant recipient match described in Subsection (5)(b), will be used for the purchase of real
164d property or for the purchase or transfer of a conservation easement. ← H

165 Section 8. **Appropriation.**
166 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
167 the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following sums of money
168 are appropriated from resources not otherwise appropriated, or reduced from amounts
169 previously appropriated, out of the funds or accounts indicated. These sums of money are in
170 addition to any amounts previously appropriated for fiscal year 2017.
171 To Governor's Office of Economic Development -- Utah Office of Outdoor Recreation
172 From General Fund, One-time

\$5,000,000

173 Schedule of Programs:
174 Outdoor Recreational Infrastructure
175 Grant Program \$5,000,000
176 Under Section 63J-1-603 the Legislature intends that the appropriation provided under

177 this section not lapse at the close of fiscal year 2017. The use of any nonlapsing funds is
178 limited to providing grants and paying for the administration costs of the Outdoor Recreational
179 Infrastructure Grant Program created in Section 63N-9-202.