

SENATE No. 488

The Commonwealth of Massachusetts

PRESENTED BY:

Paul R. Feeney

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act creating the outdoor recreation program.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>1/26/2023</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/2/2023</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/3/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>2/6/2023</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/9/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/13/2023</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/16/2023</i>
<i>Adam Gomez</i>	<i>Hampden</i>	<i>2/22/2023</i>

SENATE No. 488

By Mr. Feeney, a petition (accompanied by bill, Senate, No. 488) of Paul R. Feeney, Joanne M. Comerford, Thomas M. Stanley, Sal N. DiDomenico and other members of the General Court for legislation to create the outdoor recreation program. Environment and Natural Resources.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act creating the outdoor recreation program.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 131 of the General Laws is hereby amended by inserting after section 2C the
2 following section: -

3 Section 2D. (a) As used in this section, the following terms shall have the following
4 meanings unless the context clearly requires otherwise:

5 “Equity,” the consistent and systematic fair, just, and impartial treatment of all
6 individuals, including individuals who belong to underserved communities that have been denied
7 such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian
8 Americans and Pacific Islanders and other persons of color; members of religious minorities;
9 lesbian, gay, bisexual, transgender, and queer persons; persons with disabilities; persons who live
10 in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.

11 “Underserved communities,” populations sharing a particular characteristic, as well as
12 geographic communities, that have been systematically denied a full opportunity to participate in

13 aspects of economic, social, and civic life, as exemplified by the definition, “equity” in this
14 chapter, and shall include environmental justice populations as defined by the Massachusetts
15 Executive Office of Energy and Environmental Affairs.

16 "Recreation agency", the commonwealth, or any subdivision thereof, or any municipality,
17 regional planning agency, community development corporation, or nonprofit organization
18 organized for the purposes of public recreation or the conservation, creation, preservation, and
19 restoration of natural resources, which is authorized to do business in the commonwealth, and
20 which has tax-exempt status as a nonprofit charitable organization as described in Section
21 501(c)(3) of the Internal Revenue Code of 1986, as amended.

22 “Recreational use”, active or passive recreational use including, but not limited to,
23 activities that take place predominantly in a natural environment or a natural physical landscape,
24 including activities that are dependent on trails, natural landscapes, waters, and snow;
25 community gardens; and parks and nature-based playgrounds. Recreational use shall not include
26 horse racing or indoor stadiums, gymnasiums, or similar structures.

27 “Sporting goods”, defined under the North American Industry Classification Code
28 451110, sporting goods stores, for the most recent year that such data is available.

29 “Sporting goods sales tax revenue amount,” all sales tax revenue received by the
30 commonwealth from the sale of sporting goods, as defined by Section 2(D)(a).

31 (b) There is hereby established and set up on the books of the commonwealth a separate
32 fund, to be known as the outdoor recreation trust fund. The fund shall be administered by the
33 Massachusetts office of outdoor recreation to provide grants for recreational use programs,

34 planning, and projects. There shall be credited to the fund the dedicated sporting goods sales tax
35 revenue amount.

36 (c) All sporting goods sales tax revenue shall be automatically credited by the state
37 treasurer to the outdoor recreation trust fund. The trust fund may accept public and private gifts,
38 grants and donations to further the purposes of this chapter; and any other monies credited to or
39 transferred from any other source pursuant to state law.

40 (d) All revenues credited under this chapter shall remain in the outdoor recreation trust
41 fund, including unexpended balances remaining at the end of each fiscal year, for the sole
42 purposes of operating the Massachusetts office of outdoor recreation. The state treasurer shall not
43 deposit said revenues in or transfer said revenues to the General Fund or any other fund other
44 than the outdoor recreation trust fund. The state treasurer shall secure the highest interest rate
45 available for monies deposited in the outdoor recreation trust fund; and shall require that all
46 amounts deposited shall be available for withdrawal without penalty. All interest accrued and
47 earnings shall be deposited into the fund.

48 (e) Any expenses needed to administer the trust fund shall be considered operating
49 expenses and shall not exceed five percent of the annual total revenue received into the outdoor
50 recreation trust fund.

51 (f) The commissioner of the department of revenue shall annually report to the public by
52 source all amounts credited to said trust fund and all expenditures from said trust fund.

53 (g) There is hereby established an outdoor recreation program administered by the office
54 of outdoor recreation within the executive office of energy and environmental affairs that shall
55 annually create and implement an outdoor recreation grant program funded by the outdoor

56 recreation trust fund to be used for the benefit of the public and dedicated to enhancing and
57 expanding outdoor recreational use and growing the outdoor recreation economy. Monies from
58 the outdoor recreation trust fund shall be made available in each fiscal year for the outdoor
59 recreation program, planning and project grants.

60 (h) Grants shall cover costs associated with grant administration; planning, creating, and
61 improving, outdoor recreational amenities; and for the acquisition, conservation, creation,
62 preservation, improvement, and restoration of natural resources for recreational use; and to
63 enhance public access to recreational opportunities. Grants shall only be made to a recreation
64 agency, as defined by Section 2(D)(a).

65 (i) In expending amounts credited to the fund, priority consideration shall be given to
66 benefit underserved communities for the benefit of underserved communities as defined by
67 Section 2D of this chapter.

68 (j) Projects that receive funding under this chapter shall allow for public access and use,
69 unless otherwise prohibited by applicable law.

70 (k) The trust fund shall not award grants for horse racing or the use of natural resources
71 for a stadium, gymnasium, or similar indoor structure. Funds shall not be used for maintenance
72 of recreational facilities. The use of grants to install artificial turf shall be prohibited from this
73 grant program.

74 (l) The secretary of energy and environmental affairs shall promulgate rules and
75 regulations to implement this chapter and assign personnel to manage outdoor recreation
76 program grants within the Massachusetts office of outdoor recreation.

(m) This act shall become effective 120 days after passage.