

Senator Ralph Okerlund proposes the following substitute bill:

OFFICE OF OUTDOOR RECREATION AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Patrice M. Arent

Senate Sponsor: Ralph Okerlund

6	Cosponsors:	Sandra Hollins	Paul Ray
7	Stewart Barlow	Eric K. Hutchings	Edward H. Redd
8	Melvin R. Brown	Don L. Ipson	Angela Romero
9	Rebecca Chavez-Houck	Brad King	Scott D. Sandall
10	Scott H. Chew	Bradley G. Last	V. Lowry Snow
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15	Rebecca P. Edwards	Curtis Oda	Raymond P. Ward
16	Steve Eliason	Derrin Owens	R. Curt Webb
17	Gage Froerer	Lee B. Perry	John R. Westwood
18	Stephen G. Handy	Dixon M. Pitcher	Mark A. Wheatley
19	Timothy D. Hawkes	Marie H. Poulson	Brad R. Wilson
20	Lynn N. Hemingway	Kraig Powell	

21

22 **LONG TITLE**

23 **General Description:**

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



25 **Highlighted Provisions:**

26 This bill:

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

32 **Money Appropriated in this Bill:**

33 This bill appropriates in fiscal year 2017:

- 34 ▶ to the Governor's Office of Economic Development -- Utah Office of Outdoor
- 35 Recreation -- Outdoor Recreational Infrastructure Grant Program as a one-time
- 36 appropriation:
 - 37 • from the General Fund, One-time, \$1,000,000

38 **Other Special Clauses:**

39 None

40 **Utah Code Sections Affected:**

41 AMENDS:

- 42 **63N-9-102**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 43 **63N-9-104**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 44 **63N-9-105**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 45 **63N-9-106**, as renumbered and amended by Laws of Utah 2015, Chapter 283

46 ENACTS:

- 47 **63N-9-201**, Utah Code Annotated 1953
- 48 **63N-9-202**, Utah Code Annotated 1953
- 49 **63N-9-203**, Utah Code Annotated 1953

50

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

52 Section 1. Section **63N-9-102** is amended to read:

53 **63N-9-102. Definitions.**

54 As used in this chapter:

- 55 (1) "Accessible to the general public," in relation to the awarding of an infrastructure

56 grant, means:

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

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

60 ~~[(+)]~~ (2) "Director" means the director of the outdoor recreation office.

61 ~~[(2)]~~ (3) "Executive director" means the executive director of GOED.

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

64 ~~[(3)]~~ (5) "Outdoor recreation office" means the Utah Office of Outdoor Recreation
65 created in Section 63N-9-104.

66 (6) (a) "Recreational infrastructure project" means an undertaking to build or improve
67 the approved facilities, services, and installations needed for the public to access and enjoy the
68 state's outdoors.

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

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

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

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

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

76 (v) construction or improvement of a community park that has amenities for outdoor
77 recreation;

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

79 (vii) development, establishment, or expansion of a program for youth related to
80 outdoor recreation.

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

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

85 (b) is economically disadvantaged.

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

87 **63N-9-104. Creation of outdoor recreation office and appointment of director --**
88 **Responsibilities of outdoor recreation office.**

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

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

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

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

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

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

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

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

99 (i) coordinating with outdoor recreation stakeholders;

100 (ii) improving recreational opportunities; and

101 (iii) recruiting outdoor recreation business;

102 (c) recommend to the governor and Legislature policies and initiatives to enhance
103 recreational amenities and experiences in the state and help implement those policies and
104 initiatives;

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

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

108 (4) 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 (5) 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 3. Section **63N-9-105** is amended to read:

117 **63N-9-105. Duties of director.**

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

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

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

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

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

126 ~~[(b) seek to participate in federal programs, and]~~

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

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

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

132 **63N-9-106. Annual report.**

133 The executive director shall include in the annual written report described in Section
134 63N-1-301[;] a report from the director on the activities of the outdoor recreation office,
135 including a description and the amount of any awarded infrastructure grants.

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

137 **Part 2. Outdoor Recreational Infrastructure Grant Program**

138 **63N-9-201. Title.**

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

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

141 **63N-9-202. Creation and purpose of infrastructure grant program.**

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

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

146 (a) build, maintain, and promote recreational infrastructure to provide greater access to
147 low-cost outdoor recreation for the state's citizens;

148 (b) encourage residents and nonresidents of the state to take advantage of the beauty of

149 Utah's outdoors;

150 (c) encourage individuals and businesses to relocate to the state;

151 (d) promote outdoor exercise; and

152 (e) provide outdoor recreational opportunities to an underserved or underprivileged
153 community in the state.

154 Section 7. Section **63N-9-203** is enacted to read:

155 **63N-9-203. Rulemaking and requirements for awarding an infrastructure grant.**

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

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

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

162 (c) specific categories of projects that are eligible for an infrastructure grant;

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

164 (e) the reporting requirements of grant recipients.

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

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

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

170 (a) a federal government entity;

171 (b) a state agency; and

172 (c) a for-profit entity.

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

174 (a) for a project that is accessible to the general public; and

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

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

179 (a) approved by the executive director after consultation with the director and the

180 board; and

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

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

185 **Section 8. Appropriation.**

186 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
187 the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following sums of money
188 are appropriated from resources not otherwise appropriated, or reduced from amounts
189 previously appropriated, out of the funds or accounts indicated. These sums of money are in
190 addition to amounts previously appropriated for fiscal year 2017.

191 To Governor's Office of Economic Development -- Utah Office of Outdoor Recreation

192 From General Fund, One-time \$1,000,000

193 Schedule of Programs:

194 Outdoor Recreational Infrastructure

195 Grant Program \$1,000,000

196 With regards to the appropriation provided under this section, the Legislature intends
197 that:

198 (1) under Section 63J-1-603, the appropriation not lapse at the close of fiscal year
199 2017;

200 (2) \$300,000 be used for an infrastructure grant, where the grant recipient meets the
201 requirements of Section 63N-9-203, related to the Kanab Trail at the Jackson Flat Reservoir;

202 (3) the use of any nonlapsing funds be limited to providing grants and paying for the
203 administration costs of the Outdoor Recreational Infrastructure Grant Program created in
204 Section 65N-9-202.