

1                   **OFFICE OF OUTDOOR RECREATION AMENDMENTS**

2                                   2016 GENERAL SESSION

3                                   STATE OF UTAH

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5 **LONG TITLE**

6 **General Description:**

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

8 **Highlighted Provisions:**

9           This bill:

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

15 **Money Appropriated in this Bill:**

16           This bill appropriates in fiscal year 2017:

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

21 **Other Special Clauses:**

22           None

23 **Utah Code Sections Affected:**

24 AMENDS:

- 25           **63N-9-102**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 26           **63N-9-104**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 27           **63N-9-105**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 28           **63N-9-106**, as renumbered and amended by Laws of Utah 2015, Chapter 283

29 ENACTS:

- 30           **63N-9-201**, Utah Code Annotated 1953
- 31           **63N-9-202**, Utah Code Annotated 1953
- 32           **63N-9-203**, Utah Code Annotated 1953

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

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

36 **63N-9-102. Definitions.**

37 As used in this chapter:

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

40 (a) the public may use the infrastructure in accordance with federal and state

41 regulations; and

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

43 ~~[(1)]~~ (2) "Director" means the director of the outdoor recreation office.

44 ~~[(2)]~~ (3) "Executive director" means the executive director of GOED.

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

47 ~~[(3)]~~ (5) "Outdoor recreation office" means the Utah Office of Outdoor Recreation  
48 created in Section 63N-9-104.

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

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

53 (i) establishment, construction, or renovation of a trail, trail infrastructure, or trail  
54 facilities;

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

56 (iii) development of a project for wildlife watching opportunities, including bird  
57 watching;

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

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

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

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

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

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

68 (b) is economically disadvantaged.

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

70 **63N-9-104. Creation of outdoor recreation office and appointment of director --**

71 **Responsibilities of outdoor recreation office.**

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

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

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

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

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

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

79 (ii) with the Public Lands Policy Coordinating Office created in Section 63J-4-602, if  
80 public land is involved;

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

82 (i) coordinating with outdoor recreation stakeholders;

83 (ii) improving recreational opportunities; and

84 (iii) recruiting outdoor recreation business;

85 (c) recommend to the governor and Legislature policies and initiatives to enhance  
86 recreational amenities and experiences in the state and help implement those policies and  
87 initiatives;

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

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

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

93 (a) seek federal grants or loans;

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

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

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

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

100 **63N-9-105. Duties of director.**

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

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

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

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

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

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

110 ~~[(c) in accordance with applicable federal program guidelines, administer federally~~  
111 ~~funded outdoor recreation programs.]~~

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

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

115 **63N-9-106. Annual report.**

116 The executive director shall include in the annual written report described in Section  
117 63N-1-301[;] a report from the director on the activities of the outdoor recreation office,  
118 including a description and the amount of any awarded infrastructure grants.

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

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

121 **63N-9-201. Title.**

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

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

124 **63N-9-202. Creation and purpose of infrastructure grant program.**

125 (1) There is created the Outdoor Recreational Infrastructure Grant Program

126 administered by the outdoor recreation office.

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

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

131 (b) encourage residents and nonresidents of the state to take advantage of the beauty of  
132 Utah's outdoors;

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

134 (d) promote outdoor exercise; and

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

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

138 **63N-9-203. Rulemaking and requirements for awarding an infrastructure grant.**

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

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

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

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

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

147 (e) the reporting requirements of grant recipients.

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

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

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

153 (a) a federal government entity;

154 (b) a state agency;

155 (c) a political subdivision of the state; and

156 (d) a for-profit entity.

