

79-2-402 Outdoor recreation facilities -- Participation in federal programs -- Comprehensive plan.

- (1) The executive director may, by following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, seek a federal grant or loan or participation in a federal program to plan and develop an outdoor recreation resource, including:
 - (a) acquiring land or water; or
 - (b) acquiring an interest in land or water.
- (2)
 - (a) The executive director, in cooperation with the state planning coordinator and the state agency or political subdivision responsible for planning, acquisition, and development of outdoor recreation resources, may prepare, maintain, and update a comprehensive plan for the outdoor recreation resources of the state.
 - (b) The executive director shall submit the plan and any plan amendment to the governor for the governor's review and approval.
- (3) By following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, the executive director may:
 - (a) apply to a United States agency for participation in or the receipt of aid from a federal program regarding outdoor recreation;
 - (b) in cooperation with other state agencies, enter into a contract or agreement with the United States or a United States agency;
 - (c) keep financial and other records; and
 - (d) furnish necessary reports to the United States official or agency.
- (4) In connection with obtaining the benefits of an outdoor recreation program, the executive director shall coordinate the department's activities with and represent the interests of all state agencies and political subdivisions having an interest in the planning, development, and maintenance of the outdoor recreation resource or facility.
- (5) The department may act as the agent of the state or a political subdivision to receive and to disburse federal money in accordance with the comprehensive plan.
- (6) The executive director may not make a commitment or enter into an agreement as authorized by this section and neither shall the governor approve a commitment or agreement unless sufficient funds are available to the department for meeting the state's share, if any, of project costs.
- (7) To the extent necessary to assure the proper operation and maintenance of areas and facilities acquired or developed pursuant to a program participated in by the state under this section, the areas and facilities shall be publicly maintained for outdoor recreation purposes.
- (8) The executive director may enter into and administer an agreement with the United States or a United States agency with the governor's approval for planning, acquisition, and development projects involving participating federal-aid funds on behalf of a political subdivision, if the political subdivision gives necessary assurance to the executive director that:
 - (a) the political subdivision has available sufficient funds to meet the political subdivision's share, if any, of the cost of the project; and
 - (b) the political subdivision will operate and maintain an acquired or developed area at the expense of the political subdivision for public outdoor recreation use.

Amended by Chapter 218, 2010 General Session