

## HB0052S01 compared with HB0052

~~{deleted text}~~ shows text that was in HB0052 but was deleted in HB0052S01.

inserted text shows text that was not in HB0052 but was inserted into HB0052S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Patrice M. Arent 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

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#### LONG TITLE

~~{Committee Note:~~

~~\_\_\_\_\_The Economic Development and Workforce Services Interim Committee recommended this bill.~~

~~}~~**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.

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### 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

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*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.

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

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

(4) "Infrastructure grant" means an outdoor recreational infrastructure grant described

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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;

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

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

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

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

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

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

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

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

(b) is economically disadvantaged.

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

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

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

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

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

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

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- (a) coordinate outdoor recreation policy, management, and promotion:
  - (i) among state and federal agencies and local government entities in the state; and
  - (ii) with the Public Lands Policy Coordinating Office created in Section 63J-4-602, if public land is involved;
- (b) promote economic development in the state by:
  - (i) coordinating with outdoor recreation stakeholders;
  - (ii) improving recreational opportunities; and
  - (iii) recruiting outdoor recreation business;
- (c) recommend to the governor and Legislature policies and initiatives to enhance recreational amenities and experiences in the state and help implement those policies and initiatives;
- (d) develop data regarding the impacts of outdoor recreation in the state; and
- (e) promote the health and social benefits of outdoor recreation, especially to young people.

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

- (a) seek federal grants or loans;
- (b) seek to participate in federal programs; and
- (c) in accordance with applicable federal program guidelines, administer federally funded outdoor recreation programs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) promote outdoor exercise; and

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

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

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

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

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

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

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

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

(e) the reporting requirements of grant recipients.

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

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

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

(a) a federal government entity;

(b) a state agency;

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

~~(d)~~(c) a for-profit entity.

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

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

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

(6) Up to 50% of the grant recipient match described in Subsection (5)(b) may be provided through an in-kind contribution by the grant recipient, if approved by the executive director after consultation with the director and the board.

### Section 8. **Appropriation.**

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

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

From General Fund, One-time \$5,000,000

Schedule of Programs:

Outdoor Recreational Infrastructure

Grant Program \$5,000,000

Under Section 63J-1-603 the Legislature intends that the appropriation provided under this section not lapse at the close of fiscal year 2017. The use of any nonlapsing funds is limited to providing grants and paying for the administration costs of the Outdoor Recreational Infrastructure Grant Program created in Section 63N-9-202.

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**Legislative Review Note**

**Office of Legislative Research and General Counsel†**