

OUTDOOR RECREATION MODIFICATIONS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl R. Albrecht

Senate Sponsor: Jacob L. Anderegg

LONG TITLE

General Description:

This bill amends provisions related to outdoor recreation grant programs.

Highlighted Provisions:

This bill:

- increases the amount that may be used each fiscal year for the Recreation Restoration Infrastructure Grant Program;
- amends the types of entities that are eligible to receive an infrastructure grant through the Outdoor Recreational Infrastructure Grant Program; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

79-8-202, as last amended by Laws of Utah 2022, Chapter 68

79-8-402, as renumbered and amended by Laws of Utah 2022, Chapter 68

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

Section 1. Section **79-8-202** is amended to read:

79-8-202. Creation of grant program.

(1) (a) There is created the "Recreation Restoration Infrastructure Grant Program"

administered by the division.

(b) Subject to Subsection (1)(c), [~~5% percent~~] 15% of the unencumbered amount in the Outdoor Recreation Infrastructure Account, created in Section 79-8-106, at the beginning of each fiscal year may be used for the grant program.

(c) The percentage outlined in Subsection (1)(b) may be increased or decreased at the beginning of a fiscal year if approved by the executive director after consultation with the director and the advisory committee.

(2) The division may seek to accomplish the following objectives in administering the grant program:

(a) rehabilitate or restore high priority trails for both motorized and nonmotorized uses;

(b) rehabilitate or restore high demand recreation areas on public lands; and

(c) encourage the public land entities to engage with volunteer groups to aid with portions of needed trail work.

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules, after consulting with the advisory committee, establishing the eligibility and reporting criteria for an entity to receive a recreation restoration infrastructure grant, including:

(a) the form and process of submitting annual project proposals to the division for a recreation restoration infrastructure grant;

(b) which entities are eligible to apply for a recreation restoration infrastructure grant;

(c) specific categories of recreation restoration projects that are eligible for a recreation restoration infrastructure grant;

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

(e) the reporting requirements of a recipient of a recreation restoration infrastructure grant.

Section 2. Section 79-8-402 is amended to read:

79-8-402. Rulemaking and requirements for awarding an infrastructure grant.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and after consultation with the advisory committee, the division 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 division for an infrastructure grant;

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

(c) specific categories of recreational infrastructure 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 division may prioritize a recreational infrastructure project that will serve an underserved community.

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

(4) ~~[The following entities:]~~ A for-profit entity may not receive an infrastructure grant under this part[.].

~~[(a) a federal government entity;]~~

~~[(b) a state agency; and]~~

~~[(c) a for-profit entity.]~~

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

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

(b) subject to Subsections (6) and (7), if the grant recipient agrees to provide matching funds having a value:

(i) equal to or greater than the amount of the infrastructure grant; or

(ii) established in accordance with rules made by the division, after consultation with the advisory committee, and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(6) Up to 50% of the grant recipient match described in Subsection (5)(b) may be

86 provided through an in-kind contribution by the grant recipient, if:

87 (a) approved by the executive director after consultation with the director and the
88 advisory committee; and

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

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