

SENATE No. 2254

The Commonwealth of Massachusetts

—————
In the One Hundred and Ninety-First General Court
(2019-2020)
—————

SENATE, June 13, 2019

The committee on Environment, Natural Resources and Agriculture, to whom was referred the petition (accompanied by bill, Senate, No. 484) of Adam G. Hinds, Natalie M. Blais, Smitty Pignatelli, Ruth B. Balsler and other members of the General Court for legislation to establish the Office of Outdoor Recreation,- reports the accompanying bill (Senate, No. 2254).

For the committee,
Anne M. Gobi

SENATE No. 2254

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act establishing the Office of Outdoor Recreation.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 21A of the General Laws is hereby amended by adding the
2 following section:-

3 Section 7C. (a) There shall be within the executive office of energy and environmental
4 affairs, the office of outdoor recreation. The office of outdoor recreation shall be administered by
5 a director who shall be appointed, and may be removed, by the secretary. Said director shall be a
6 competent and qualified person. The position of director shall not be subject to the provisions of
7 chapter 31 or section 9A of chapter 30.

8 (b) The words “recreational activities”, as used in this section, shall include, but not be
9 limited to, activities that take place predominately in a natural environment or on a natural
10 physical landscape, including various sports and activities that are trail-dependent, natural
11 landscape-dependent, water-dependent, and snow-dependent; but excluding, those activities
12 when occurring at constructed playgrounds, athletic fields or swimming pools.

13 (c) The office of outdoor recreation to carry out its responsibilities and duties shall:

- 14 (1) promote outdoor recreational activities in the commonwealth to the public;
- 15 (2) assist the executive office energy and environmental affairs, and its appropriate
16 departments, divisions, and other administrative units, in developing and implementing
17 applicable statewide policies, initiatives and programs, to support and promote outdoor
18 recreation in the commonwealth, and as provided hereafter;
- 19 (3) develop and update as necessary long-term plans, regional initiatives and priorities for
20 improving public access to outdoor recreational activities to benefit people of all ages,
21 socioeconomic levels, ethnic diversities, or with physical or mental disabilities;
- 22 (4) provide recommendations for the outdoor recreation land management and
23 conservation policies and objectives of the commonwealth, including acquiring appropriate
24 interests in real property to complete or link trail systems, and provide increased public access to
25 recreational land and water venues;
- 26 (5) collaborate and as appropriate coordinate, with public agencies, as defined under
27 section 20, to develop plans and assist public agencies to facilitate projects that advance outdoor
28 recreational activities;
- 29 (6) collaborate and coordinate with nonprofit organizations experienced in natural
30 resource protection and management, and other stakeholders and entities, to improve the public's
31 access to outdoor recreational activities;
- 32 (7) collaborate and coordinate with the business community, and appropriate state
33 agencies, to promote economic opportunities in outdoor recreation for the purpose to expand
34 recreational activities for the public's benefit.

35 (8) assist in securing as appropriate and proper, the co-operation and assistance of other
36 agencies and departments of the commonwealth and its political subdivisions, to resolve issues
37 that impede or delay outdoor recreation projects and initiatives;

38 (9) analyze proposed projects, in collaboration with other appropriate state agencies,
39 regional planning agencies, and municipalities, to identify and recommend practicable strategies
40 and methods to reduce costs and delays, including consolidating aspects of local projects,
41 encouraging affected agencies and municipalities to consider proposed projects in their
42 planning, and accomplishing projects jointly with other state agencies, municipalities or qualified
43 non-profit organizations;

44 (10) develop programs with the department of public health, to educate and promote to
45 the public, the well-being and health benefits of participating in outdoor recreational activities;

46 (11) research and identify sources of available funding, including grants and other aid,
47 available to the commonwealth for outdoor recreational projects, planning, land acquisition, and
48 promotion and public outreach, from the federal government, its departments and agencies, and
49 from other sources;

50 (12) collaborate with outdoor recreation offices of other states, or their government
51 agencies or departments performing similar functions, about best practices for land management
52 and conservation, and economic opportunities related to outdoor recreation, including adapting
53 to expected changes to natural and physical landscapes as a result of climate change.

54 (d) Annually on or before March 30, the director shall submit a report that provides
55 information about the work of the outdoor office of recreation for the prior calendar year. The
56 report shall contain an overview of significant projects or initiatives by the commonwealth, being

57 planned, developed or in effect, to expand the public’s access to outdoor recreational activities.
58 Such overview shall present information about any benefits each project or initiative provides, or
59 projected to provide, including to people of all ages, socioeconomic levels, ethnic diversities, or
60 with physical or mental disabilities. In addition, the report shall contain the director’s current
61 evaluation and future assessment of outdoor recreation for all regions of the state, and the related
62 economic opportunities from such activities.

63 The report shall be made in consultation with the appropriate departments, divisions and
64 other administrative units, within the executive office of energy and environmental affairs, the
65 office of travel and tourism, executive office of housing and economic development, and the
66 department of public health. The report shall be filed with the governor, clerks of the house and
67 senate, the joint committee on the environment, natural resources and agriculture, the joint
68 committee on economic development, and the joint committee on tourism, arts and cultural
69 development. Each report shall be posted on the public website of the executive office of energy
70 and environmental affairs.

71 (e) The director in accomplishing the purposes of the office of outdoor recreation may
72 with the approval of the secretary, expend funds from the Outdoor Recreation Trust Fund as
73 provided under section 2ggggg of chapter 29.

74 (f) The secretary shall be authorized to adopt regulations necessary for the administration
75 of this section.

76 SECTION 2. The last sentence of section 8 of said chapter 21A, as appearing in the 2016
77 Official Edition, is hereby amended by inserting after the word “enforcement,” in lines 91 and
78 92, the words:- the office of outdoor recreation.

79 SECTION 3. Chapter 29 of the General Laws is hereby amended by adding the following
80 section:-

81 Section 2ggggg. There shall be established and set up on the books of the commonwealth
82 a separate fund known as the Outdoor Recreation Trust Fund. The purpose of the fund shall be to
83 provide competitive grants for programs, projects and initiatives, to public and private
84 organizations to further the objectives of the office of outdoor recreation, established under
85 section 7C of chapter 21A. The director of outdoor recreation shall administer the fund, subject
86 to the approval of the secretary of energy and environment. Amounts credited to the fund shall
87 without further appropriation, be expended only for the purposes stated in this section.

88 The fund shall consist of all monies credited, received or transferred to the fund from (i)
89 private or public sources as appropriations, gifts, grants, donations, or receipts, (ii) the federal
90 government as reimbursements, grants-in-aid, or other receipts, and (iii) revenue from investing
91 the monies in the fund. Revenues remaining in the fund at the end of a fiscal year shall not revert
92 to the general fund and shall be available for expenditure in the following fiscal year. The fund
93 shall not be subject to the provisions of section 5D. No expenditure from the fund shall cause the
94 fund to be in deficiency at the end of the fiscal year. The director shall report annually, not later
95 than October 1, on the fund's activities, including information about fund receipts, expenditures
96 and the reason for each such expenditure, and fund balances, to the clerks of the house and
97 senate, and the chairs of the house and senate committees on ways and means.