

Part 2

Division Creation and Administration

79-4-201 Division of Parks and Recreation -- Creation -- Powers and authority.

- (1) There is created within the department the Division of Parks and Recreation.
- (2) The division is under:
 - (a) the administration and general supervision of the executive director; and
 - (b) the policy direction of the board.
- (3) The division is the parks and recreation authority for the state.

Renumbered and Amended by Chapter 344, 2009 General Session

79-4-202 Director -- Qualifications -- Duties.

- (1) The director is the executive and administrative head of the division.
- (2) The director shall demonstrate:
 - (a) executive ability; and
 - (b) actual experience and training in the conduct of park and recreational systems involving both physical development and program.
- (3) The director shall:
 - (a) enforce the policies and rules of the board; and
 - (b) perform the duties necessary to:
 - (i) properly care for and maintain any property under the jurisdiction of the division; and
 - (ii) carry out this chapter.
- (4) The director shall acquire, plan, protect, develop, operate, use, and maintain park area and facilities in accordance with the policies and rules of the board.

Renumbered and Amended by Chapter 344, 2009 General Session

79-4-203 Powers and duties of division.

- (1) As used in this section, "real property" includes land under water, upland, and all other property commonly or legally defined as real property.
- (2) The Division of Wildlife Resources shall retain the power and jurisdiction conferred upon it by law within state parks and on property controlled by the Division of Parks and Recreation with reference to fish and game.
- (3) The division shall permit multiple use of state parks and property controlled by it for purposes such as grazing, fishing, hunting, camping, mining, and the development and utilization of water and other natural resources.
- (4)
 - (a) The division may acquire real and personal property in the name of the state by all legal and proper means, including purchase, gift, devise, eminent domain, lease, exchange, or otherwise, subject to the approval of the executive director and the governor.
 - (b) In acquiring any real or personal property, the credit of the state may not be pledged without the consent of the Legislature.
- (5)
 - (a) Before acquiring any real property, the division shall notify the county legislative body of the county where the property is situated of its intention to acquire the property.

- (b) If the county legislative body requests a hearing within 10 days of receipt of the notice, the division shall hold a public hearing in the county concerning the matter.
- (6) Acceptance of gifts or devises of land or other property is at the discretion of the division, subject to the approval of the executive director and the governor.
- (7) The division shall acquire property by eminent domain in the manner authorized by Title 78B, Chapter 6, Part 5, Eminent Domain.
- (8)
 - (a) The division may make charges for special services and use of facilities, the income from which is available for park and recreation purposes.
 - (b) The division may conduct and operate those services necessary for the comfort and convenience of the public.
- (9)
 - (a) The division may lease or rent concessions of all lawful kinds and nature in state parks and property to persons, partnerships, and corporations for a valuable consideration upon the recommendation of the board.
 - (b) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code, in selecting concessionaires.
- (10) The division shall proceed without delay to negotiate with the federal government concerning the Weber Basin and other recreation and reclamation projects.
- (11) The division shall receive and distribute voluntary contributions collected under Section 41-1a-422 in accordance with Section 79-4-404.

Amended by Chapter 163, 2015 General Session

79-4-204 Division authorized to enter into contracts and agreements.

- (1) The division, with the approval of the executive director and the governor, may enter into contracts and agreements with the United States, a United States agency, any other department or agency of the state, semipublic organizations, and with private individuals to:
 - (a) improve and maintain state parks and recreational grounds and the areas administered by the division; and
 - (b) secure labor, quarters, materials, services, or facilities according to procedures established by the Division of Finance.
- (2) All departments, agencies, officers, and employees of the state shall give to the division the consultation and assistance that the division may reasonably request.

Renumbered and Amended by Chapter 344, 2009 General Session

79-4-205 Highways within state parks.

The division has jurisdiction over and responsibility for service roads, parking areas, campground loops, and related facilities within state parks.

Renumbered and Amended by Chapter 344, 2009 General Session

79-4-206 Support of a nonprofit corporation or foundation.

The division may provide administrative support to a nonprofit corporation or foundation that assists the board and the division in attaining the objectives outlined in the strategic or operational plan.

Renumbered and Amended by Chapter 344, 2009 General Session