

STATE PARKS FEE EXEMPTION FOR SENIORS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Richard A. Greenwood

Senate Sponsor: _____

LONG TITLE

General Description:

This bill exempts a senior resident from paying a state park entrance fee.

Highlighted Provisions:

This bill:

▶ prohibits the Division of Parks and Recreation from charging a state park entrance fee to a person who is 70 years of age or older and a passenger in the senior resident's vehicle; and

▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63-11-17, as last amended by Laws of Utah 2008, Chapters 3, 201, and 382

63-11-66, as last amended by Laws of Utah 2004, Chapter 103

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

Section 1. Section **63-11-17** is amended to read:



28 **63-11-17. Powers and duties of board and Division of Parks and Recreation.**

29 (1) As used in this section:

30 (a) "Commercial vehicle" is as defined in Section 41-1a-102.

31 (b) "Motor vehicle" is as defined in Section 41-1a-102.

32 (c) "Private motor vehicle" is a motor vehicle that is not a commercial vehicle.

33 (d) "Senior resident" means a person who is:

34 (i) 70 years of age or older; and

35 (ii) a resident of Utah.

36 ~~[(1)]~~ (2) (a) The board may make rules:

37 (i) governing the use of the state park system;

38 (ii) to protect state parks and their natural and cultural resources from misuse or
39 damage, including watersheds, plants, wildlife, and park amenities; and

40 (iii) to provide for public safety and preserve the peace within state parks.

41 (b) To accomplish the purposes stated in Subsection ~~[(1)]~~ (2)(a), the board may enact
42 rules that:

43 (i) close or partially close state parks; or

44 (ii) establish use or access restrictions within state parks.

45 (c) Rules made under Subsection ~~[(1)]~~ (2) may not have the effect of preventing the
46 transfer of livestock along a livestock highway established in accordance with Section
47 72-3-112.

48 ~~[(2)]~~ (3) The Division of Wildlife Resources shall retain the power and jurisdiction
49 conferred upon it by law within state parks and on property controlled by the Division of Parks
50 and Recreation with reference to fish and game.

51 ~~[(3)]~~ (4) The Division of Parks and Recreation shall permit multiple use of state parks
52 and property controlled by it for purposes such as grazing, fishing and hunting, mining, and the
53 development and utilization of water and other natural resources.

54 ~~[(4)]~~ (5) (a) The division may acquire real and personal property in the name of the
55 state by all legal and proper means, including purchase, gift, devise, eminent domain, lease,
56 exchange, or otherwise, subject to the approval of the executive director and the governor.

57 (b) As used in this section, "real property" includes land under water, upland, and all
58 other property commonly or legally defined as real property.

59 (c) In acquiring any real or personal property, the credit of the state may not be pledged
60 without the consent of the Legislature.

61 ~~[(5)]~~ (6) (a) Before acquiring any real property, the division shall notify the county
62 legislative body of the county where the property is situated of its intention to acquire the
63 property.

64 (b) If the county legislative body requests a hearing within ten days of receipt of the
65 notice, the board shall hold a public hearing in the county concerning the matter.

66 ~~[(6)]~~ (7) Acceptance of gifts or devises of land or other property shall be at the
67 discretion of the division, subject to the approval of the executive director of the Department of
68 Natural Resources and the governor.

69 ~~[(7)]~~ (8) Acquisition of property by eminent domain shall be in the manner authorized
70 by Title 78B, Chapter 6, Part 5, Eminent Domain.

71 ~~[(8)]~~ (9) (a) ~~[The]~~ Except as provided by Subsection (9)(d), the Division of Parks and
72 Recreation may make charges for special services and use of facilities, the income from which
73 shall be available for park and recreation purposes.

74 (b) The division may conduct and operate those services necessary for the comfort and
75 convenience of the public.

76 (c) The board shall adopt appropriate rules governing the collection of charges under
77 this Subsection ~~[(8)]~~ (9).

78 (d) The division may not charge:

79 (i) a senior resident a fee for entrance or general admission to a state park if the senior
80 resident verifies the senior resident's age and residency with a driver license or identification
81 card issued under Title 53, Chapter 3, Uniform Driver License Act; or

82 (ii) a person accompanying a senior resident described in Subsection (9)(d)(i) in the
83 same private motor vehicle.

84 ~~[(9)]~~ (10) (a) The division may lease or rent concessions of all lawful kinds and nature
85 in state parks and property to persons, partnerships, and corporations for a valuable
86 consideration upon the recommendation of the board.

87 (b) The division shall comply with Title 63G, Chapter 6, Utah Procurement Code, in
88 selecting concessionaires.

89 ~~[(10)]~~ (11) The division shall proceed without delay to negotiate with the federal

90 government concerning the Weber Basin and other recreation and reclamation projects.

91 ~~[(11)]~~ (12) The division shall receive and distribute voluntary contributions collected
92 under Section 41-1a-422 in accordance with Section 63-11-67.

93 Section 2. Section **63-11-66** is amended to read:

94 **63-11-66. State Park Fees Restricted Account.**

95 (1) There is created within the General Fund a restricted account known as the State
96 Park Fees Restricted Account.

97 (2) (a) Except as provided in Subsection (2)(b), the account shall consist of revenue
98 from:

99 (i) all charges allowed under Subsection 63-11-17~~[(8)]~~(9);

100 (ii) proceeds from the sale or disposal of buffalo under Subsection 63-11-19.2(2)(b);

101 and

102 (iii) civil damages collected under Section 76-6-206.2.

103 (b) The account shall not include revenue the division receives under Sections

104 63-11-19.5, 63-11-19.6, and Subsection 63-11-19.2(2)(a).

105 (3) The division shall use funds in this account for the purposes described in Section
106 63-11-17.

Legislative Review Note
as of 12-29-08 3:37 PM

Office of Legislative Research and General Counsel

H.B. 94 - State Parks Fee Exemption for Seniors

Fiscal Note

2009 General Session
State of Utah

State Impact

Enactment of this bill will likely reduce the revenues to the Division of Parks and Recreation by \$107,100 in FY 2010 and by \$112,100 in FY 2011.

	<u>2009</u> <u>Approp.</u>	<u>2010</u> <u>Approp.</u>	<u>2011</u> <u>Approp.</u>	<u>2009</u> <u>Revenue</u>	<u>2010</u> <u>Revenue</u>	<u>2011</u> <u>Revenue</u>
General Fund Restricted	\$0	\$0	\$0	\$0	(\$107,100)	(\$112,100)
Total	\$0	\$0	\$0	\$0	(\$107,100)	(\$112,100)

Individual, Business and/or Local Impact

Enactment of this bill will benefit senior residents by providing them with free entrance to the state parks.