

HB0490S02 compared with HB0490

~~{Omitted text}~~ shows text that was in HB0490 but was omitted in HB0490S02

inserted text shows text that was not in HB0490 but was inserted into HB0490S02

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1

State Parks Modifications

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Clinton D. Okerlund

Senate Sponsor:Derrin R. Owens

2

3 LONG TITLE

4 General Description:

5 This bill addresses the Division of State Parks.

6 Highlighted Provisions:

7 This bill:

8 ▶ defines terms;

9 ▶ removes a requirement for the Division of State Parks (division) to comply with the Utah
Procurement Code in selecting concessionaires in state parks;

11 ▶ requires the division to operate, to the extent possible, from money and revenue collected as fees
and charges;

13 ▶ requires the director to implement a comprehensive plan for the long-term use of state parks
developed by the division;

15 ▶ grants rulemaking authority to the division to administer the state parks system;

16 ▶ renames the State Parks Restricted Account;

17 ▶ ~~{establishes a violation of a division rule as an infraction; and}~~

17 ▶ repeals sections related to boating accounts and river enhancement grants; and

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▸ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

AMENDS:

76-6-206.2 , as last amended by Laws of Utah 2023, Chapter 111 , as last amended by Laws of Utah 2023, Chapter 111

79-4-102 , as last amended by Laws of Utah 2024, Chapter 507 , as last amended by Laws of Utah 2024, Chapter 507

79-4-201 , as last amended by Laws of Utah 2021, Chapter 280 , as last amended by Laws of Utah 2021, Chapter 280

79-4-202 , as last amended by Laws of Utah 2021, Chapter 280 , as last amended by Laws of Utah 2021, Chapter 280

79-4-203 , as last amended by Laws of Utah 2022, Chapter 68 , as last amended by Laws of Utah 2022, Chapter 68

79-4-206 , as renumbered and amended by Laws of Utah 2009, Chapter 344 , as renumbered and amended by Laws of Utah 2009, Chapter 344

79-4-402 , as last amended by Laws of Utah 2023, Chapter 33 , as last amended by Laws of Utah 2023, Chapter 33

79-4-403 , as last amended by Laws of Utah 2010, Chapters 256, 391 , as last amended by Laws of Utah 2010, Chapters 256, 391

79-4-603 , as renumbered and amended by Laws of Utah 2009, Chapter 344 , as renumbered and amended by Laws of Utah 2009, Chapter 344

79-4-604 , as renumbered and amended by Laws of Utah 2009, Chapter 344 , as renumbered and amended by Laws of Utah 2009, Chapter 344

79-4-802 , as renumbered and amended by Laws of Utah 2009, Chapter 344 , as renumbered and amended by Laws of Utah 2009, Chapter 344

79-4-901 , as renumbered and amended by Laws of Utah 2009, Chapter 344 , as renumbered and amended by Laws of Utah 2009, Chapter 344

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79-4-1001 , as last amended by Laws of Utah 2010, Chapter 391 , as last amended by Laws of Utah 2010, Chapter 391

ENACTS:

79-4-207 , Utah Code Annotated 1953 , Utah Code Annotated 1953

~~**{79-4-501 , Utah Code Annotated 1953 , Utah Code Annotated 1953}**~~

REPEALS:

79-4-101 , as last amended by Laws of Utah 2021, Chapter 280 , as last amended by Laws of Utah 2021, Chapter 280

79-4-401 , as last amended by Laws of Utah 2021, Chapter 280 , as last amended by Laws of Utah 2021, Chapter 280

79-4-802 , as renumbered and amended by Laws of Utah 2009, Chapter 344 , as renumbered and amended by Laws of Utah 2009, Chapter 344

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

Section 1. Section **76-6-206.2** is amended to read:

76-6-206.2. Criminal trespass on state park lands.

(1)

(a) As used in this section:

(i) "Authorization" means specific written permission by, or contractual agreement with, the Division of State Parks.

(ii) "Criminal trespass" means the elements of the crime of criminal trespass, as set forth in Section 76-6-206.

(iii) "Division" means the Division of State Parks created in Section 79-4-201.

(iv) "State park lands" means all lands administered by the division.

(b) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.

(2) An actor commits criminal trespass on state park lands and is liable for the civil damages prescribed in Subsection (5) if, under circumstances not amounting to a greater offense, and without authorization, the actor:

(a) constructs improvements or structures on state park lands;

(b) uses or occupies state park lands for more than 30 days after the cancellation or expiration of authorization;

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- 62 (c) knowingly or intentionally uses state park lands for commercial gain;
63 (d) intentionally or knowingly grazes livestock on state park lands, except as provided in Section
72-3-112; or
65 (e) remains, after being ordered to leave by a person with actual authority to act for the division, or by a
law enforcement officer.
- 67 (3) A violation of Subsection (2) is a class B misdemeanor.
- 68 (4) A person does not commit criminal trespass if that person enters onto state park lands:
69 (a) without first paying the required fee; and
70 (b) for the sole purpose of pursuing recreational activity.
- 71 (5)
(a) In addition to an order for restitution under Section 77-38b-205, an actor who commits any act
described in Subsection (2) may also be liable for civil damages in the amount of three times the
value of:
74 (i) damages resulting from a violation of Subsection (2);
75 (ii) the water, mineral, vegetation, improvement, or structure on state park lands that is removed,
destroyed, used, or consumed without authorization;
77 (iii) the historical, prehistorical, archaeological, or paleontological resource on state park lands that
is removed, destroyed, used, or consumed without authorization; or
79 (iv) the consideration which would have been charged by the division for unauthorized use of the
land and resources during the period of trespass.
- 81 (b) Civil damages awarded under Subsection (5)(a):
82 (i) may be collected in a separate action by the division; and
83 (ii) shall be deposited into the [~~State Park Fees~~] State Parks Restricted Account as established in Section
79-4-402.
- 84 Section 2. Section **79-4-102** is amended to read:
85 **79-4-102. Definitions.**
As used in this chapter:
88 (1) "Division" means the Division of State Parks.
89 (2) "Facility" means the same as that term is defined in Section 51-9-901.
90 (3) "Outdoor recreation infrastructure" means the same as that term is defined in Section 51-9-901.
- 91 Section 3. Section **79-4-201** is amended to read:

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

(1) There is created within the department the Division of State Parks.

(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 state parks authority for the state.

Section 4. Section **79-4-202** is amended to read:

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 systems involving both physical development and program.

(3) The director shall:

(a) enforce the policies and rules of the ~~[board; and]~~ division;

(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[-] ; and

(c) implement the comprehensive plan for long-term public use of state park resources developed by the division under Subsection 79-4-203(12).

(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]~~ division.

Section 5. Section **79-4-203** is amended to read:

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 the Division of Wildlife Resources by law within state parks and on property controlled by the Division of State Parks with reference to fish and game.

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- (3) The division shall permit multiple use of state parks and property controlled by the division for purposes such as grazing, fishing, hunting, camping, mining, and the development and utilization of water and other natural resources.
- 126 (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.
- 130 (b) In acquiring any real or personal property, the credit of the state may not be pledged without the consent of the Legislature.
- 132 (5)
- (a) Before acquiring any real property, the division shall notify the county legislative body of the county where the property is situated of the division's intention to acquire the property.
- 135 (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.
- 137 (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.
- 139 (7) The division shall acquire property by eminent domain in [~~the manner authorized by~~] accordance with Title 78B, Chapter 6, Part 5, Eminent Domain.
- 141 (8)
- (a) The division may make charges for special services and use of [~~facilities~~] a facility or outdoor recreation infrastructure, the [~~income~~] revenue from which is available for park purposes.
- 144 (b) The division may conduct and operate[~~those~~] services necessary for the comfort and convenience of the public.
- 146 (9)
- [~~(a)~~] The division may set reasonable charges to 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~~] in a state park or on property owned by the division.
- 150 [~~(b) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code, in selecting concessionaires.~~]
- 152 (10) The division shall proceed without delay to negotiate with the federal government concerning the Weber Basin and other recreation and reclamation projects.

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- 154 (11) The division shall, to the extent possible, implement the requirements of this chapter from revenue
155 the division collects from:
- 156 (a) charges for special services, use of a park facility, and use of an outdoor recreation infrastructure;
157 and
- 158 (b) service or regulatory fees.
- 159 (12)
- 160 (a) The division shall develop a comprehensive plan for the long-term public use of state parks and state
161 park resources related to the:
- 162 (i) acquisition of land and resources;
- 163 (ii) protection of state parks and the public;
- 164 (iii) operation of state parks;
- 165 (iv) maintenance of state parks and division resources; and
- 166 (v) development of state parks and division resources.
- 167 (b) In developing a comprehensive plan under Subsection (12)(a), the division shall consider:
- 168 (i) recreational utility;
- 169 (ii) the public benefit in the historical, archaeological, and scientific resources in state parks; and
- 170 (iii) the health and wholesome enjoyment of the public.
- 171 Section 6. Section **79-4-206** is amended to read:
- 172 **79-4-206. Support of a nonprofit corporation or foundation.**
- 173 The division may provide administrative support to a nonprofit corporation or
- 174 foundation that assists~~[-the board and]~~ the division in attaining the objectives outlined in the
- 175 strategic or operational plan.
- 176 Section 7. Section **7** is enacted to read:
- 177 **79-4-207. Division rulemaking authority.**
- 178 (1) The division may make rules to:
- 179 (a) govern the use of the state park system, including to:
- 180 (i) determine when to close or partially close a state park; and
- 181 (ii) establish use or access restrictions within a state park; and
- 182 (b) protect a natural or cultural resource in a state park from misuse or damage.
- 183 (2) The division shall make rules to:
- 184 (a) govern the collection of charges under Subsection 79-4-203(8); and
- 185

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- 186 (b) implement a program for veteran access to state parks as described in Section 79-4-1002.
188 (3) The division may not make rules that prevent the transfer of livestock along a livestock highway
established under Section 72-3-112.
190 (4) The division shall makes rules under this section in accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act.

191 Section 8. Section **79-4-402** is amended to read:

192 **79-4-402. State Parks Restricted Account.**

- 194 (1) There is created within the General Fund a restricted account known as the [~~State Park Fees~~] State
Parks Restricted Account.

196 (2)

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

- 197 (i) all charges allowed under Section 79-4-203;
198 (ii) proceeds from the sale or disposal of buffalo under Subsection 79-4-1001(2)(b); and
200 (iii) civil damages collected under Section 76-6-206.2.

- 201 (b) The account shall not include revenue the division receives under Section 79-4-403 and Subsection
79-4-1001(2)(a).

- 203 (3) The division shall use funds in this account for the purposes described in Section 79-4-203.

204 Section 9. Section **79-4-403** is amended to read:

205 **79-4-403. Golf revenue -- Wasatch Mountain, Palisade, and Green River State Parks.**

- 208 (1) The following [~~user-fees~~] charges are assessed in the following parks for playing nine holes of golf:

- 210 (a) [~~15~~] 30% of the [~~green-fees~~] revenue at Wasatch Mountain State Park;
211 (b) [~~15~~] 30% of the [~~green-fees~~] revenue at Palisade State Park; and
212 (c) [~~15~~] 30% of the [~~green-fees~~] revenue at Green River State Park.

- 213 (2) [~~The fee~~] A charge in Subsection (1) is:

- 214 (a) in addition to [~~the fee~~] a charge set by the [~~board~~] division; and
215 (b) to be used at the park where the money is collected for:
216 (i) the upgrade or development of facilities; or
217 (ii) the purchase of golf course operation and maintenance equipment and operating supplies or
materials.

219 Section 10. Section **10** is enacted to read:

220

Part 5. Violations

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79-4-501. Violation of division rules.

Except as otherwise provided in this chapter, a violation of a division rule under this chapter is an infraction.

Section 10. Section **79-4-603** is amended to read:

79-4-603. Iron Mission Historical Monument -- Acceptance of gifts from Iron Mission Park Corporation.

The [board] division shall accept on behalf of the state the Gronway Parry collection of horse-drawn vehicles, horses, harnesses, figures, costumes, and horse-drawn machinery of the pioneer era, the Melling log cabin, the Osborne blacksmith collection, and a metal exhibit building, all being gifts to the state from the Iron Mission Park Nonprofit Corporation.

Section 11. Section **79-4-604** is amended to read:

79-4-604. Iron Mission Historical Monument -- Acquisition of property.

The division may:

- (1) acquire, construct, maintain, and operate any land areas, objects, or structures as necessary to preserve, protect, display, and enhance:
 - (a) the gifts described in Section 79-4-603; and
 - (b) other historical objects or collections donated, loaned, or otherwise acquired that appropriately contribute to the pioneer heritage of Utah; and
- (2) acquire, directly or through others, by purchase, contract, lease, permit, donations, or otherwise, all real or personal property, rights-of-way, approach roads, parking and other areas, structures, facilities and services that the division[-and board] may consider necessary or desirable to accomplish Subsection (1).

~~{Section 13. Section 79-4-802 is amended to read: }~~

79-4-802. Riverway enhancement grants -- Matching funds requirements -- Rules.

- (1)
 - (a) The division may give grants to local governments and state agencies for riverway enhancement projects with funds appropriated by the Legislature for that purpose.
 - (b) Each grant recipient must provide matching funds having a value that is equal to or greater than the grant funds received.

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(c) The [board] division may allow a grant recipient to provide property, material, or labor in lieu of money, provided the grant recipient's contribution has a value that is equal to or greater than the grant funds received.

253 (2) The [board] division shall:

254 (a) make rules setting forth procedures and criteria for the awarding of grants for riverway enhancement projects; and

256 (b) ~~[determine to whom grant funds shall be awarded after considering the recommendations of and after consulting with the division]~~ award grants in accordance with the procedures and criteria described in Subsection (2)(a).

259 (3) Rules for the awarding of grants for riverway enhancement projects shall provide that:

260 (a) each riverway enhancement project for which grant funds are awarded must be along a river or stream that is impacted by high density populations or prone to flooding; and

263 (b) riverway enhancement proposals that include a plan to provide employment opportunities for youth, including at-risk youth as defined in Section 79-5-501, in the development of the riverway enhancement project is encouraged.

237 Section 12. Section **79-4-901** is amended to read:

238 **79-4-901. Pioneer heritage of Utah -- Acquisitions and operations by division.**

268 (1) The division may acquire, construct, maintain, and operate any land areas, objects, or structures as necessary to preserve, protect, display, and enhance any gifts and other historical objects or collections donated, loaned, or otherwise acquired that appropriately contribute to the pioneer heritage of Utah.

272 (2) To accomplish Subsection (1), the division may directly or through others, by purchase, contract, lease, permit, donation, or otherwise, secure all real or personal property, rights-of-way, approach roads, parking and other areas, structures, facilities, and services that the division ~~[and board]~~ may consider necessary or desirable to contribute to the pioneer heritage of Utah.

248 Section 13. Section **79-4-1001** is amended to read:

249 **79-4-1001. Purchase, trade, sale, or disposal of buffalo -- Proceeds.**

279 (1) In accordance with a plan[;] approved by the [board;] division to manage buffalo herds on Antelope Island, the division may purchase, trade, sell, or dispose of buffalo obtained from Antelope Island through:

282 (a) competitive bidding; or

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- 283 (b) a means as established by rule.
- 284 (2) Proceeds received from the sale or disposal of buffalo under this section shall be deposited as follows:
- 286 (a) the first \$75,000 shall accrue to the division for the management of Antelope Island buffalo herds as dedicated credits; and
- 288 (b) proceeds in excess of \$75,000 shall be deposited into the [~~State Park Fees~~] State Parks Restricted Account created [~~under~~] in Section 79-4-402.

261 Section 14. **Repealer.**

This Bill Repeals:

- 262 This bill repeals:
- 263 Section **79-4-101, Title.**
- 264 Section **79-4-401, Funds to be appropriated -- Boating account expenses.**
- 265 Section **79-4-802, Riverway enhancement grants -- Matching funds requirements --**
- 266 **Rules.**

267 Section 15. **Effective date.**

This bill takes effect on May 7, 2025.

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