

State Parks Modifications
2025 GENERAL SESSION
STATE OF UTAH

Chief Sponsor: Clinton D. Okerlund

Senate Sponsor:

LONG TITLE

General Description:

This bill addresses the Division of State Parks.

Highlighted Provisions:

This bill:

- defines terms;
- removes a requirement for the Division of State Parks (division) to comply with the Utah Procurement Code in selecting concessionaires in state parks;
- requires the division to operate, to the extent possible, from money and revenue collected as fees and charges;
- requires the director to implement a comprehensive plan for the long-term use of state parks developed by the division;
- grants rulemaking authority to the division to administer the state parks system;
- renames the State Parks Restricted Account;
- establishes a violation of a division rule as an infraction; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

31 **79-4-402**, as last amended by Laws of Utah 2023, Chapter 33
 32 **79-4-403**, as last amended by Laws of Utah 2010, Chapters 256, 391
 33 **79-4-603**, as renumbered and amended by Laws of Utah 2009, Chapter 344
 34 **79-4-604**, as renumbered and amended by Laws of Utah 2009, Chapter 344
 35 **79-4-802**, as renumbered and amended by Laws of Utah 2009, Chapter 344
 36 **79-4-901**, as renumbered and amended by Laws of Utah 2009, Chapter 344
 37 **79-4-1001**, as last amended by Laws of Utah 2010, Chapter 391

38 ENACTS:

39 **79-4-207**, Utah Code Annotated 1953
 40 **79-4-501**, Utah Code Annotated 1953

41 REPEALS:

42 **79-4-101**, as last amended by Laws of Utah 2021, Chapter 280
 43 **79-4-401**, as last amended by Laws of Utah 2021, Chapter 280

44
 45 *Be it enacted by the Legislature of the state of Utah:*

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

47 **76-6-206.2 . Criminal trespass on state park lands.**

48 (1)(a) As used in this section:

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

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

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

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

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

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

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

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

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
 64 Section 72-3-112; or

65 (e) remains, after being ordered to leave by a person with actual authority to act for the
66 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
72 commits any act described in Subsection (2) may also be liable for civil damages in
73 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
76 is removed, destroyed, used, or consumed without authorization;

77 (iii) the historical, prehistorical, archaeological, or paleontological resource on state
78 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
80 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
84 established in Section 79-4-402.

85 Section 2. Section **79-4-102** is amended to read:

86 **79-4-102 . Definitions.**

87 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
91 51-9-901.

92 Section 3. Section **79-4-201** is amended to read:

93 **79-4-201 . Division of State Parks -- Creation -- Powers and authority.**

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

95 (2) The division is under[?]

96 [~~(a)~~] _the administration and general supervision of the executive director[; ~~and~~] .

97 [~~(b)~~] ~~the policy direction of the board.~~]

98 (3) The division is the state parks authority for the state.

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

100 **79-4-202 . Director -- Qualifications -- Duties.**

- 101 (1) The director is the executive and administrative head of the division.
- 102 (2) The director shall demonstrate:
- 103 (a) executive ability; and
- 104 (b) actual experience and training in the conduct of park systems involving both physical
- 105 development and program.
- 106 (3) The director shall:
- 107 (a) enforce the policies and rules of the [~~board; and~~] division;
- 108 (b) perform the duties necessary to:
- 109 (i) properly care for and maintain any property under the jurisdiction of the division;
- 110 and
- 111 (ii) carry out this chapter[-] ; and
- 112 (c) implement the comprehensive plan for long-term public use of state park resources
- 113 developed by the division under Subsection 79-4-203(12).
- 114 (4) The director shall acquire, plan, protect, develop, operate, use, and maintain park area
- 115 and facilities in accordance with the policies and rules of the [~~board~~] division.

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

117 **79-4-203 . Powers and duties of division.**

- 118 (1) As used in this section, "real property" includes land under water, upland, and all other
- 119 property commonly or legally defined as real property.
- 120 (2) The Division of Wildlife Resources shall retain the power and jurisdiction conferred
- 121 upon the Division of Wildlife Resources by law within state parks and on property
- 122 controlled by the Division of State Parks with reference to fish and game.
- 123 (3) The division shall permit multiple use of state parks and property controlled by the
- 124 division for purposes such as grazing, fishing, hunting, camping, mining, and the
- 125 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
- 127 legal and proper means, including purchase, gift, devise, eminent domain, lease,
- 128 exchange, or otherwise, subject to the approval of the executive director and the
- 129 governor.
- 130 (b) In acquiring any real or personal property, the credit of the state may not be pledged
- 131 without the consent of the Legislature.
- 132 (5)(a) Before acquiring any real property, the division shall notify the county legislative

- 133 body of the county where the property is situated of the division's intention to acquire
134 the property.
- 135 (b) If the county legislative body requests a hearing within 10 days of receipt of the
136 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
138 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]~~
140 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
142 or outdoor recreation infrastructure, the ~~[income]~~ revenue from which is available for
143 park purposes.
- 144 (b) The division may conduct and operate~~[those]~~ services necessary for the comfort and
145 convenience of the public.
- 146 (9)~~(a)~~ The division may set reasonable charges to lease or rent concessions ~~[of all~~
147 ~~lawful kinds and nature in state parks and property to persons, partnerships, and~~
148 ~~corporations for a valuable consideration upon the recommendation of the board]~~ in a
149 state park or on property owned by the division.
- 150 ~~[(b) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code, in~~
151 ~~selecting concessionaires.]~~
- 152 (10) The division shall proceed without delay to negotiate with the federal government
153 concerning the Weber Basin and other recreation and reclamation projects.
- 154 (11) The division shall, to the extent possible, implement the requirements of this chapter
155 from revenue the division collects from:
- 156 (a) charges for special services, use of a park facility, and use of an outdoor recreation
157 infrastructure; and
- 158 (b) service or regulatory fees.
- 159 (12)(a) The division shall develop a comprehensive plan for the long-term public use of
160 state parks and state park resources related to the:
- 161 (i) acquisition of land and resources;
- 162 (ii) protection of state parks and the public;
- 163 (iii) operation of state parks;
- 164 (iv) maintenance of state parks and division resources; and
- 165 (v) development of state parks and division resources.
- 166 (b) In developing a comprehensive plan under Subsection (12)(a), the division shall

167 consider:

168 (i) recreational utility;

169 (ii) the public benefit in the historical, archaeological, and scientific resources in state
170 parks; and

171 (iii) the health and wholesome enjoyment of the public.

172 Section 6. Section **79-4-206** is amended to read:

173 **79-4-206 . Support of a nonprofit corporation or foundation.**

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

177 Section 7. Section **79-4-207** is enacted to read:

178 **79-4-207 . Division rulemaking authority.**

179 (1) The division may make rules to:

180 (a) govern the use of the state park system, including to:

181 (i) determine when to close or partially close a state park; and

182 (ii) establish use or access restrictions within a state park; and

183 (b) protect a natural or cultural resource in a state park from misuse or damage.

184 (2) The division shall make rules to:

185 (a) govern the collection of charges under Subsection 79-4-203(8); and

186 (b) implement a program for veteran access to state parks as described in Section
187 79-4-1002.

188 (3) The division may not make rules that prevent the transfer of livestock along a livestock
189 highway established under Section 72-3-112.

190 (4) The division shall makes rules under this section in accordance with Title 63G, Chapter
191 3, Utah Administrative Rulemaking Act.

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

193 **79-4-402 . State Parks Restricted Account.**

194 (1) There is created within the General Fund a restricted account known as the [~~State Park~~
195 ~~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);

199 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
202 and Subsection 79-4-1001(2)(a).

203 (3) The division shall use funds in this account for the purposes described in Section
204 79-4-203.

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

206 **79-4-403 . Golf revenue -- Wasatch Mountain, Palisade, and Green River State**
207 **Parks.**

208 (1) The following [~~user fees~~] charges are assessed in the following parks for playing nine
209 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
218 supplies or materials.

219 Section 10. Section **79-4-501** is enacted to read:

220 **Part 5. Violations**

221 **79-4-501 . Violation of division rules.**

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

224 Section 11. Section **79-4-603** is amended to read:

225 **79-4-603 . Iron Mission Historical Monument -- Acceptance of gifts from Iron**
226 **Mission Park Corporation.**

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

231 Section 12. Section **79-4-604** is amended to read:

232 **79-4-604 . Iron Mission Historical Monument -- Acquisition of property.**

233 The division may:

234 (1) acquire, construct, maintain, and operate any land areas, objects, or structures as

235 necessary to preserve, protect, display, and enhance:

236 (a) the gifts described in Section 79-4-603; and

237 (b) other historical objects or collections donated, loaned, or otherwise acquired that
238 appropriately contribute to the pioneer heritage of Utah; and

239 (2) acquire, directly or through others, by purchase, contract, lease, permit, donations, or
240 otherwise, all real or personal property, rights-of-way, approach roads, parking and other
241 areas, structures, facilities and services that the division~~[-and board]~~ may consider
242 necessary or desirable to accomplish Subsection (1).

243 Section 13. Section **79-4-802** is amended to read:

244 **79-4-802 . Riverway enhancement grants -- Matching funds requirements --**

245 **Rules.**

246 (1)(a) The division may give grants to local governments and state agencies for riverway
247 enhancement projects with funds appropriated by the Legislature for that purpose.

248 (b) Each grant recipient must provide matching funds having a value that is equal to or
249 greater than the grant funds received.

250 (c) The ~~[board]~~ division may allow a grant recipient to provide property, material, or
251 labor in lieu of money, provided the grant recipient's contribution has a value that is
252 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
255 riverway enhancement projects; and

256 (b) ~~[determine to whom grant funds shall be awarded after considering the~~
257 ~~recommendations of and after consulting with the division]~~ award grants in
258 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
261 a river or stream that is impacted by high density populations or prone to flooding;
262 and

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

266 Section 14. Section **79-4-901** is amended to read:

267 **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

269 structures as necessary to preserve, protect, display, and enhance any gifts and other
270 historical objects or collections donated, loaned, or otherwise acquired that appropriately
271 contribute to the pioneer heritage of Utah.

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

277 Section 15. Section **79-4-1001** is amended to read:

278 **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
280 on Antelope Island, the division may purchase, trade, sell, or dispose of buffalo obtained
281 from Antelope Island through:

282 (a) competitive bidding; or

283 (b) a means as established by rule.

284 (2) Proceeds received from the sale or disposal of buffalo under this section shall be
285 deposited as follows:

286 (a) the first \$75,000 shall accrue to the division for the management of Antelope Island
287 buffalo herds as dedicated credits; and

288 (b) proceeds in excess of \$75,000 shall be deposited into the [~~State Park Fees~~] State Parks
289 Restricted Account created [~~under~~] in Section 79-4-402.

290 Section 16. **Repealer.**

291 This bill repeals:

292 Section **79-4-101, Title.**

293 Section **79-4-401, Funds to be appropriated -- Boating account expenses.**

294 Section 17. **Effective Date.**

295 This bill takes effect on May 7, 2025.