

1 **AUTHORITY TO CLOSE AREAS WITHIN**
2 **STATE PARKS**

3 1999 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Michael R. Styler**

6 AN ACT RELATING TO PARKS AND RECREATION; ALLOWING THE BOARD OF
7 PARKS AND RECREATION TO MAKE RULES CLOSING OR RESTRICTING ACCESS
8 TO STATE PARKS; AND MAKING TECHNICAL AMENDMENTS.

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 AMENDS:

11 **41-22-12**, as last amended by Chapter 363, Laws of Utah 1997

12 **63-11-17**, as last amended by Chapter 315, Laws of Utah 1997

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

14 Section 1. Section **41-22-12** is amended to read:

15 **41-22-12. Restrictions on use of public lands.**

16 (1) ~~[A] Except as provided in Section 63-11-17,~~ federal agencies are encouraged and
17 agencies of the state and its subdivisions shall refrain from closing any public land to responsible
18 off-highway vehicle use.

19 (2) A person may not operate and an owner of an off-highway vehicle may not give another
20 person permission to operate an off-highway vehicle on any public land which is closed to
21 off-highway vehicles.

22 Section 2. Section **63-11-17** is amended to read:

23 **63-11-17. Powers and duties of Board and Division of Parks and Recreation.**

24 ~~[(1) The board may:]~~

25 ~~[(a) establish the policies best designed to accomplish the objectives and purposes set out~~
26 ~~in this act; and]~~

27 ~~[(b) make rules governing the use and protection of the state park system.]~~

28 ~~[(2) (a) The division may acquire real and personal property in the name of the state by all~~
29 ~~legal and proper means, including purchase, gifts, devise, eminent domain, lease, designation of~~
30 ~~state land, exchange, or otherwise, subject to the approval of the executive director and the~~
31 ~~governor.]~~

32 ~~[(b) As used in this subsection section, "real property" includes land under water as well~~
33 ~~as upland and all other property commonly or legally defined as real property.]~~

34 ~~[(c) In acquiring any real or personal property, or in establishing or designating any area~~
35 ~~as herein authorized in this Subsection (2), the credit of the state may not be pledged without the~~
36 ~~consent of the legislature:]~~

37 ~~[(3)] (1) (a) The board may [enact appropriate regulations to] make rules:~~

38 ~~(i) governing the use of the state park system;~~

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

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

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

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

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

45 ~~[(4)] (2) The Division of Wildlife Resources shall retain the power and jurisdiction~~
46 ~~conferred upon it by law within state parks and on property controlled by the Division of Parks and~~
47 ~~Recreation with reference to fish and game[~~subject to any reasonable rules and regulations the~~~~
48 ~~Board of Parks and Recreation may make to ensure the accomplishment of the objectives and~~
49 ~~purposes of this act].~~

50 ~~[(5)] (3) The Division of Parks and Recreation shall permit multiple use of state parks and~~
51 ~~property controlled by it for [such] purposes such as grazing, [fish] fishing and [game] hunting,~~
52 ~~mining, and the development and utilization of water and other natural resources[~~and other uses,~~~~
53 ~~subject to any reasonable rules and regulations the board may make within the general policies of~~
54 ~~the Department of Natural Resources to ensure the accomplishment of the objectives and purposes~~
55 ~~of this act].~~

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

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

61 **(c) In acquiring any real or personal property, the credit of the state may not be pledged**
62 **without the consent of the legislature.**

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

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

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

70 ~~[(8)(a)]~~ **(7)** Acquisition of property by eminent domain shall be in the manner authorized
71 by Title 78, Chapter 34.

72 ~~[(b)]~~ **(8) (a)** The Division of Parks and Recreation may make charges for special services
73 and use of facilities, the income from which shall be available for park and recreation purposes.

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

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

78 **(9)** The director of the division shall establish procedures for the issuance of permits
79 without charge to citizens of ~~[this]~~ **the** state 62 years or older which shall be nontransferable, and
80 shall entitle the permittee and any person accompanying the permittee in a single, private,
81 noncommercial vehicle to general admission without charge to any state park.

82 **(10) (a)** The division may lease or rent concessions of all lawful kinds and nature in state
83 parks and property to persons, partnerships, and corporations for a valuable consideration upon the
84 recommendation of the board ~~[by utilizing bid procedures established by the Department of~~
85 ~~Finance]~~.

86 **(b) The division shall comply with Title 63, Chapter 56, Utah Procurement Code, in**
87 **selecting concessionaires.**

88 **(11)** The division shall proceed without delay to negotiate with the federal government
89 concerning the Weber Basin and other recreation and reclamation projects.

Legislative Review Note
as of 12-29-98 4:15 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel