

VETERANS - PARKS AND RECREATION

BENEFIT

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Gerry A. Adair

This act modifies State Affairs in General to include a provision by which an honorably discharged state veteran of the military of the United States, 62 years or older, may receive a permit to camp without charge at any state park. The permit is valid for use Sundays through Thursdays, and on non-holidays. The act appropriates an ongoing appropriation of \$194,600 from the General Fund for fiscal year 2002-03, to the Division of Parks and Recreation to offset the potential revenue loss from this change. The act provides an effective date.

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

AMENDS:

63-11-17, as last amended by Chapter 37, Laws of Utah 1999

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

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

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

(1) (a) The board may make rules:

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

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

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

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

(i) close or partially close state parks; or

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

(c) Rules made under Subsection (1) may not have the effect of preventing the transfer of



livestock along a livestock highway established in accordance with Section 72-3-112.

(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 of Parks and Recreation shall permit multiple use of state parks and property controlled by it for purposes such as grazing, fishing and hunting, 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) As used in this section, "real property" includes land under water, upland, and all other property commonly or legally defined as real property.

(c) 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 ten days of receipt of the notice, the board shall hold a public hearing in the county concerning the matter.

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

(7) Acquisition of property by eminent domain shall be in the manner authorized by Title 78, Chapter 34.

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

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

(c) The board shall adopt appropriate rules governing the collection of charges under this Subsection (8).

(9) (a) The director of the division shall establish procedures for the issuance of [permits] a nontransferable permit without charge to [citizens] any citizen of the state, 62 years or older,

[which shall be nontransferable, and shall entitle] that entitles the permittee and any person accompanying the permittee in a single, private, noncommercial vehicle to general admission without charge to any state park.

(b) (i) Subject to Subsection (9)(b)(ii), the director of the division shall establish procedures for the issuance of a nontransferable permit to any honorably discharged state veteran of the military of the United States, 62 years or older, that entitles the permittee and any person accompanying the permittee in a single, private, noncommercial vehicle to camping without charge at any state park.

(ii) A permit issued under Subsection (9)(b)(i) is valid for use Sundays through Thursdays, and on non-holidays.

(10) (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 63, Chapter 56, Utah Procurement Code, in selecting concessionaires.

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

Section 2. **Appropriation.**

Subject to future budget constraints, there is appropriated, as an ongoing appropriation, \$194,600 from the General Fund for fiscal year 2002-03, to the Division of Parks and Recreation to offset the potential revenue loss to the division resulting from the implementation of Subsection 63-11-17(9)(b).

Section 3. **Effective date.**

This act takes effect on July 1, 2002.

Legislative Review Note **as of 2-7-02 11:08 AM**

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

Office of Legislative Research and General Counsel