

28 property controlled by it for purposes such as grazing, fishing and hunting, mining, and the
29 development and utilization of water and other natural resources.

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

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

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

37 (5) (a) Before acquiring any real property, the division shall notify the county
38 legislative body of the county where the property is situated of its intention to acquire the
39 property.

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

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

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

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

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

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

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

57 ~~[(10) (9) (a) The division may lease or rent concessions of all lawful kinds and nature~~
58 in state parks and property to persons, partnerships, and corporations for a valuable

59 consideration upon the recommendation of the board.

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

62 [~~(11)~~] (10) The division shall proceed without delay to negotiate with the federal
63 government concerning the Weber Basin and other recreation and reclamation projects.

Legislative Review Note

as of 1-10-03 3:58 PM

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

Office of Legislative Research and General Counsel

State Impact

It is estimated the Division of Parks and Recreation will extend \$690,000 worth of free services to citizens 62 years or older in FY 2004. It is further estimated that half of these people will continue to utilize these services if required to pay a fee. Based on these estimates, the division will collect approximately \$345,000 in additional dedicated credits if this bill passes. The amount will increase in FY 2005 as more people would qualify for the exemption.

This bill removes the requirement, but does not preclude, the Parks Board from extending some kind of fee exemption to citizens 62 years or older. Since future actions of the Parks Board are unknown, they do not factor into the numbers provided in this fiscal note.

	<u>FY 04 Approp.</u>	<u>FY 05 Approp.</u>	<u>FY 04 Revenue</u>	<u>FY 05 Revenue</u>
Dedicated Credits Revenue	\$0	\$0	\$345,000	\$354,000
TOTAL	\$0	\$0	\$345,000	\$354,000

Individual and Business Impact

Individuals who currently qualify for park entrance fee exemptions because of their age may be required to pay entrance fees. These fees range from \$4.00 per day for up to eight visitors to a high of \$9.00 per day, depending on the park.

Office of the Legislative Fiscal Analyst