

H.B. 80

PUBLIC ACCESS TO PRIVATE STREAM BEDS

HOUSE FLOOR AMENDMENTS

AMENDMENT 2

FEBRUARY 22, 2010 10:27 AM

Representative **Lorie D. Fowlke** proposes the following amendments:

1. *Page 4, Lines 96 through 110*

House Committee Amendments

2-16-2010:

96 ~~H~~→ ~~(6)~~ (7) ←~~H~~ "Private property to which access is restricted" means privately owned real
97 property:

98 (a) that is cultivated land, as defined in Section 23-20-14;

99 (b) that is:

100 (i) properly posted, as defined in Section 23-20-14;

101 (ii) posted as described in Subsection 76-6-206(2)(b)(iii); or

102 (iii) posted as described in Subsection 76-6-206.3(2)(c);

103 (c) that is fenced or enclosed as described in:

104 (i) Subsection 76-6-206(2)(b)(ii); or

105 (ii) Subsection 76-6-206.3(2)(b); ~~{or}~~

106 (d) that the owner or a person authorized to act on the owner's behalf has requested a
107 person to leave as provided by:

108 (i) Section 23-20-14;

109 (ii) Subsection 76-6-206(2)(b)(i); or

110 (iii) Subsection 76-6-206.3(2)(a) ~~{-}~~ ; or

(e) that contains a manufacturing, mining, or other industrial operation, if the property is:

(i) fenced; and

(ii) posted with signs declaring that access is restricted to authorized personnel or not open to the public.

2. *Page 5, Lines 141 through 143*

a. House Committee Amendments

b. 2-16-2010:

141 (2) (a) - {A} **Except as provided in Subsection (2)(b) or (c), a** person possessing a valid
142 public access certificate in accordance with Section

143 73-6a-202 who engages in recreational activity in a public water containing sufficient water at

the time to support the recreational activity may touch a private bed without permission.

(b) A person may not touch a private bed on private property to which access is restricted if entry on the property would require the owner of the property, or the operator of a manufacturing, mining, or

industrial operation on the property to amend or apply for a permit or other authorization, or otherwise comply with an additional regulatory requirement of state or federal government.

(c) A person may not engage in recreational activity on a public water within 100 yards of an occupied residence on private property to which access is restricted during the time beginning at half an hour after sunset and ended half an hour before sunrise.