MINUTES OF THE SENATE NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT STANDING COMMITTEE

415 State Capitol, Utah State Capitol Complex January 24, 2012

Members Present: Sen. Ralph Okerlund, Chair

Sen. Casey Anderson Sen. Allen M. Christensen

Sen. Gene Davis Sen. Margaret Dayton Sen. David Hinkins

Staff Present: Mr. J Brian Allred, Policy Analyst

Ms. Lorna Wells, Secretary Ms. Cheryl Weight, Secretary

A list of visitors and a copy of handouts are filed with the committee minutes.

Chair Okerlund called the meeting to order at 2:42 p.m.

S.B. 33 Trespassing on State Lands (Sen. M. Dayton)

Sen. Dayton presented and explained this bill.

Spoke in favor of the bill: Mr. Dick Buehler, Director, Division of Forestry, Fire & State

Lands

Mr. Michael Johnson, Assistant Attorney General

Ms. Claudia Cottle, Bear Lake Watch

MOTION: Sen. Dayton moved to amend the bill as follows:

- 1. Page 1, Lines 9 through 12:
 - 9 This bill makes it a class B misdemeanor for a person to camp on sovereign lands at a
 - single location for more than 15 days, return to camp at the same location before 15
 - days pass, [[-moor or anchor a boat on sovereign lands at a single location for more than
 - 12 15 days, or return to moor or anchor a boat at the same location before 15 days

 pass.]] leave an anchored or beached vessel unattended for longer than 48 hours,
 or anchor or beach a vessel for longer than 72 hours at the same location and then
 fail to move the vessel at least two miles from that location.
- 2. Page 1, Lines 19 through 22:
 - makes it a class B misdemeanor for a person to [[moor or anchor a boat on sovereign

- 20 lands for more than 15 days at the same or a nearby location; and leave an anchored or beached vessel unattended for longer than 48 hours;
- 21 makes it a class B misdemeanor for a person to [[-return to moor or anchor a boat at
- the same location on sovereign lands before 15 days pass.]] anchor or beach a vessel for longer than 72 hours at the same location, and then fail to move the vessel at least two miles from that location; and ▶ makes technical changes.
- *3. Page 2, Lines 34 through 35:*
 - 34 (1) As used in this section:
 - (a) "Anchored" is as defined in Section 73-18-2;
 - (b) "Beached" is as defined in Section 73-18-2; and
 - (c) "Vessel" is as defined in Section 73-18-2.
 - [[-(1)-]] (2) A person is guilty of a class B misdemeanor and liable for the civil damages
 - prescribed in Subsection [[-(3)-]] (4) if, without written authorization from the division, the person:
- 4. *Page 2, Lines 45 through 46:*
 - 45 (g) camps on the beds of navigable lakes [[-and-]] or rivers except in posted and designated
 - 46 areas; [or]
- 5. *Page 2, Lines 52 through 56:*
 - 52 (j) [[moors or anchors a boat or other vessel on sovereign land for longer than 15
 - 53 <u>consecutive days at the same location or within one mile of the same</u>

 <u>location;</u>]] <u>leaves an anchored or beached vessel unattended for longer than 48 hours on sovereign land or navigable lakes or rivers;</u>
 - 54 (k) [[moors or anchors a boat or other vessel on sovereign land for 15 consecutive days,
 - 55 <u>and then returns to moor or anchor a boat or other vessel at the same location before</u>

 15
 - 56 <u>consecutive days have elapsed after the day on which the person left that</u>

 <u>location;</u>]] <u>anchors or beaches a vessel for longer than 72 hours at the same</u>

 <u>location, on sovereign land or navigable lakes or rivers, and then fails to move the</u>

vessel at least two miles from that location; or

- 6. *Page 3, Lines 60 through 61:*
 - 60 [[-(2)]] (3) A person is guilty of a class C misdemeanor and liable for civil damages prescribed
 - 61 in Subsection [[-(3)-]] (4) if the person is in violation of any of the following regarding Bear Lake:
- 7. *Page 3, Line 82:*
 - 82 $\left[\left[\begin{array}{c} \underline{\textbf{(3)}} \end{array}\right]\right]$ $\underline{\textbf{(4)}}$ A person who commits any act described in Subsection $\left[\left[\begin{array}{c} \underline{\textbf{(1)}} \end{array}\right]\right]$ $\underline{\textbf{(2)}}$ or $\left[\left[\begin{array}{c} \underline{\textbf{(2)}} \end{array}\right]\right]$ is liable for
- 8. Page 3, Line 89 through Page 4, Line 92:
 - 89 [[-(4)-]] (5) In addition to the damages described in Subsection [[-(3)-]] (4), a person found guilty of a
 - 90 misdemeanor under Subsection [[-(1)]] or [[-(2)]] is subject to the penalties provided in Section
 - 91 76-3-204.
 - 92 [[(5)]] <u>(6)</u> Money collected under this section shall be deposited in the fund in which similar

The motion passed unanimously with Sen. Christensen absent for the vote.

MOTION: Sen. Dayton moved to pass the bill out favorably as amended. The motion passed unanimously.

S.B. 38 Wildland Fire Amendments (Sen. M. Dayton)

Sen. Dayton presented and explained this bill.

Spoke in favor of the bill: Mr. Dick Buehler, Director, Division of Forestry, Fire & State Lands

Mr. Michael Johnson, Assistant Attorney General

MOTION: Sen. Dayton moved to amend the bill as follows:

1. Page 3, Line 85 through Page 4, Line 91: 85

(1) A person who negligently, recklessly, or intentionally causes or spreads a wildland

86 fire shall be liable for the cost of suppressing that wildland fire, regardless of whether the

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<u>fir</u>	<u>e</u>	
87 <u>be</u>	gins on:	
88	(a) private land;	
89	(b) [[state land;]]	land owned by the state;
90	(c) federal land; or	
91	(d) tribal land.	

The motion passed unanimously.

Sen. Dayton moved to pass the bill out favorably as amended. The motion passed **MOTION:**

unanimously.

MOTION: Sen. Dayton moved to place S.B. 38 on the Consent Calendar. The motion passed

unanimously.

Sen. Christensen moved to adjourn. The motion passed unanimously. **MOTION:**

Chair Okerlund adjourned the meeting at 3:13 p.m.

Minutes were reported by Lorna Wells, Secretary

Sen. Ralph Okerlund, Committee Chair