

Senator Lyle W. Hillyard proposes the following substitute bill:

STATE LANDS AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ronda Rudd Menlove

Senate Sponsor: Lyle W. Hillyard

LONG TITLE

General Description:

This bill modifies provisions relating to activities on state lands surrounding Bear Lake.

Highlighted Provisions:

This bill:

- ▶ modifies criminal provisions relating to the use of state lands surrounding Bear Lake;
- ▶ requires the Division of Forestry, Fire, and State Lands to:
 - issue a permit under certain circumstances for a person to launch and retrieve a vessel in an area of state lands surrounding Bear Lake that is adjacent to the person's private property; and
 - make rules to administer the permits; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



26 **65A-3-1**, as last amended by Laws of Utah 2012, Chapter 339

27 ENACTS:

28 **65A-2-6**, Utah Code Annotated 1953

29

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

31 Section 1. Section **65A-2-6** is enacted to read:

32 **65A-2-6. Permitted areas at Bear Lake for launching and retrieving watercraft --**
33 **Rulemaking authority.**

34 (1) If a person owns property adjacent to state lands surrounding Bear Lake, the
35 division shall issue a permit that allows the person to launch or retrieve a vessel in an area
36 adjacent to the person's property.

37 (2) The division shall, in accordance with Title 63G, Chapter 3, Utah Administrative
38 Rulemaking Act, make rules to administer Subsection (1).

39 Section 2. Section **65A-3-1** is amended to read:

40 **65A-3-1. Trespassing on state lands -- Penalties.**

41 (1) As used in this section:

42 (a) "Anchored" is as defined in Section 73-18-2.

43 (b) "Beached" is as defined in Section 73-18-2.

44 (c) "Vessel" is as defined in Section 73-18-2.

45 (2) A person is guilty of a class B misdemeanor and liable for the civil damages
46 prescribed in Subsection (4) if, without written authorization from the division, the person:

47 (a) removes, extracts, uses, consumes, or destroys any mineral resource, gravel, sand,
48 soil, vegetation, or improvement on state lands;

49 (b) grazes livestock on state lands;

50 (c) uses, occupies, or constructs improvements or structures on state lands;

51 (d) uses or occupies state lands for more than 30 days after the cancellation or
52 expiration of written authorization;

53 (e) knowingly and willfully uses state lands for commercial gain;

54 (f) appropriates, alters, injures, or destroys any historical, prehistorical, archaeological,
55 or paleontological resource on state lands;

56 (g) camps on the beds of navigable lakes or rivers except in posted and designated

57 areas;

58 (h) camps on sovereign land for longer than 15 consecutive days at the same location
59 or within one mile of the same location;

60 (i) camps on sovereign land for 15 consecutive days, and then returns to camp at the
61 same location before 15 consecutive days have elapsed after the day on which the person left
62 that location;

63 (j) leaves an anchored or beached vessel unattended for longer than 48 hours on
64 sovereign land or navigable lakes or rivers;

65 (k) anchors or beaches a vessel for longer than 72 hours at the same location, on
66 sovereign land or navigable lakes or rivers, and then fails to move the vessel at least two miles
67 from that location; or

68 (l) parks or operates motor vehicles on the beds of navigable lakes and rivers except in
69 those areas supervised by the Division of Parks and Recreation or other state or local
70 enforcement entity and which are posted as open to vehicle use.

71 (3) A person is guilty of a class C misdemeanor and liable for civil damages
72 ~~[prescribed]~~ described in Subsection (4) if, on state lands surrounding Bear Lake and without
73 written authorization of the division, the person ~~[is in violation of any of the following~~
74 ~~regarding Bear Lake]:~~

75 (a) ~~[From October 1 through April 30, motor vehicle use and camping or picnicking~~
76 ~~are allowed]~~ parks or operates a motor vehicle in an area on the exposed lake bed~~[, except~~
77 ~~that:]~~ that is not specifically posted by the division as open for usage;

78 ~~[(i) motor vehicles are not allowed on lands administered by the Division of Parks and~~
79 ~~Recreation;]~~

80 ~~[(ii) the speed limit is 20 miles per hour;]~~

81 ~~[(iii) except as necessary to launch or retrieve watercraft, motor vehicles are not~~
82 ~~allowed within 100 feet of the water's edge; and]~~

83 (b) launches or retrieves a vessel in an area not specifically designated by the division
84 as open for launching or retrieving a vessel;

85 (c) exceeds a speed limit of 15 miles per hour while operating a motor vehicle;

86 (d) except as necessary while launching or retrieving a vessel in an area where the
87 person is permitted to launch or retrieve a vessel, parks or operates a motor vehicle within an

88 area between the water's edge and a line posted by the division;

89 [~~(iv)~~] (e) except as allowed and posted by the division, travels in a motor vehicle

90 [~~travel~~] parallel to the water's edge [~~is allowed, except within 100 feet of the water's edge.];~~

91 [~~(b) From May 1 through September 30, motor vehicle use and camping or picnicking~~

92 ~~are allowed on the exposed lake bed, except that:]~~

93 [~~(i) motorized vehicle usage is not allowed in areas specifically posted prohibiting~~

94 ~~usage;]~~

95 [~~(ii) the established speed limit is 15 miles per hour;]~~

96 [~~(iii) except as necessary to launch or retrieve watercraft, motor vehicles are not~~

97 ~~allowed within 100 feet of the water's edge;]~~

98 [~~(iv) unless posted, no motor vehicles may travel parallel to the water's edge;]~~

99 [~~(v) camping and use of motorized vehicles are prohibited]~~

100 (f) parks or operates a motor vehicle between the hours of 10 p.m. and 7 a.m.; [~~and~~] or

101 [~~(vi) no campfires or fireworks are allowed.;~~

102 (g) starts a campfire or uses fireworks.

103 (4) A person who commits any act described in Subsection (2) or (3) is liable for

104 damages in the amount of:

105 (a) three times the value of the mineral or other resource removed, destroyed, or

106 extracted;

107 (b) three times the value of damage committed; or

108 (c) three times the consideration which would have been charged by the division for

109 use of the land during the period of trespass.

110 (5) In addition to the damages described in Subsection (4), a person found guilty of a

111 misdemeanor under Subsection (2) or (3) is subject to the penalties provided in Section

112 76-3-204.

113 (6) Money collected under this section shall be deposited in the fund in which similar

114 revenues from that land would be deposited.