

HB0140S04 compared with HB0140S03

~~text~~ shows text that was in HB0140S03 but was deleted in HB0140S04.

text shows text that was not in HB0140S03 but was inserted into HB0140S04.

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Representative R. Curt Webb proposes the following substitute bill:

SOVEREIGN LANDS AROUND BEAR LAKE

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: R. Curt Webb

Senate Sponsor: ~~text~~ Scott K. Jenkins

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ modifies the requirements of the Division of Forestry, Fire, and State Lands to issue a permit to a person to launch and retrieve a motorboat on state lands surrounding Bear Lake;
- ▶ modifies criminal provisions relating to the use of state lands; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

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~~{ None }~~ This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

65A-2-6, as enacted by Laws of Utah 2013, Chapter 370

65A-3-1, as last amended by Laws of Utah 2013, Chapter 370

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

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

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

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

(1) As used in this section, "motorboat" means the same as that term is defined in Section 73-18-2.

(2) The division shall issue a permit to an applicant that allows the applicant to launch or retrieve a motorboat on state lands surrounding Bear Lake.

(3) A permit is required to launch or retrieve a motorboat on state lands surrounding Bear Lake.

(4) A permit authorizes a person to launch or retrieve a motorboat if:

(a) the person owns private property adjacent to state lands surrounding Bear Lake, or has legal right to occupy or use private property adjacent to state lands surrounding Bear Lake, and the person accesses the water from that private property; or

(b) the person accesses the water from a recorded point of public access that allows motor vehicle traffic.

~~[(2)]~~ (5) The division shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to administer [Subsection (1)] this section.

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

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

(1) As used in this section:

(a) "Anchored" ~~[is as]~~ means the same as that term is defined in Section 73-18-2.

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(b) "Beached" [~~is as~~] means the same as that term is defined in Section 73-18-2.

(c) "Motorboat" means the same as that term is defined in Section 73-18-2.

~~(c)~~ (d) "Vessel" [~~is as~~] means the same as that term is defined in Section 73-18-2.

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

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

(b) grazes livestock on state lands;

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

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

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

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

(g) camps on [~~the beds of navigable lakes or rivers~~] state lands, except in posted [~~and~~] or designated areas;

(h) camps on [~~sovereign land~~] state lands for longer than 15 consecutive days at the same location or within one mile of the same location;

(i) camps on [~~sovereign land~~] state lands for 15 consecutive days, and then returns to camp at the same location before 15 consecutive days have elapsed after the day on which the person left that location;

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

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

(l) parks or operates motor vehicles on the beds of navigable lakes and rivers except in those areas:

(i) supervised by the Division of Parks and Recreation or [~~other~~] another state or local enforcement entity; and

(ii) which are posted as open to vehicle use.

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(3) A person is guilty of a class C misdemeanor and liable for civil damages described in Subsection (4) if, on state lands surrounding Bear Lake and without written authorization of the division, the person:

(a) parks or operates a motor vehicle in an area on the exposed lake bed that is ~~[not]~~ specifically posted by the division as ~~[open]~~ closed for usage;

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

(b) camps, except in an area that is posted and designated as open to camping;

(c) from May 1 through October 31 exceeds a speed limit of ~~[15]~~ 10 miles per hour while operating a motor vehicle;

~~[(d) except as necessary while launching or retrieving a vessel in an area where the person is permitted to launch or retrieve a vessel;]~~

(d) drives recklessly while operating a motor vehicle;

(e) parks or operates a motor vehicle within an area between the water's edge and ~~[a line posted by the division;]~~ 100 feet of the water's edge except as necessary to:

~~[(e) except as allowed and posted by the division;]~~

(i) launch or retrieve a motorboat, if the person is permitted to launch or retrieve a motorboat;

(ii) transport an individual with limited mobility; or

(iii) deposit or retrieve equipment to a beach site;

(f) travels in a motor vehicle parallel to the water's edge;

(i) in areas designated by the division as closed; or

(ii) a distance greater than one-half mile for purposes other than travel to or from a beach site;

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

~~[(g)]~~ (h) starts a campfire or uses fireworks.

(4) A person who commits any act described in Subsection (2) or (3) is liable for damages in the amount of:

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

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

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(c) three times the consideration which would have been charged by the division for use of the land during the period of trespass.

(5) In addition to the damages described in Subsection (4), a person found guilty of a misdemeanor under Subsection (2) or (3) is subject to the penalties provided in Section 76-3-204.

(6) Money collected under this section shall be deposited in the fund in which similar revenues from that land would be deposited.

Section 3. Effective date.

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.