

Senator Jani Iwamoto proposes the following substitute bill:

BEAR LAKE SOVEREIGN LANDS AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jani Iwamoto

House Sponsor: Joel K. Briscoe

LONG TITLE

General Description:

This bill amends provisions related to launching and retrieving a motorboat on Bear Lake and transporting individuals or equipment near Bear Lake.

Highlighted Provisions:

This bill:

► amends provisions related to launching and retrieving a motorboat on Bear Lake and transporting individuals or equipment near Bear Lake.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

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:

1st Sub. S.B. 49



26 **65A-2-6. Permitted areas at Bear Lake for launching and retrieving watercraft --**
 27 **Rulemaking authority.**

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

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

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

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

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

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

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

43 ~~[(2)]~~ (5) The division shall, in accordance with Title 63G, Chapter 3, Utah
 44 Administrative Rulemaking Act, make rules to administer ~~[Subsection (1)]~~ this section.

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

46 **65A-3-1. Trespassing on state lands -- Penalties.**

47 (1) As used in this section:

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

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

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

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

52 (2) ~~§→ [f] A [f- Except as provided in Subsection (4), a] ←§~~ person is guilty of a class B
 53 misdemeanor and liable for the civil damages prescribed in Subsection ~~[(4)]~~ (5) if, without
 54 written authorization from the division, the person:

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

- 57 (b) grazes livestock on state lands;
- 58 (c) uses, occupies, or constructs improvements or structures on state lands;
- 59 (d) uses or occupies state lands for more than 30 days after the cancellation or
60 expiration of written authorization;
- 61 (e) knowingly and willfully uses state lands for commercial gain;
- 62 (f) appropriates, alters, injures, or destroys any historical, prehistorical, archaeological,
63 or paleontological resource on state lands;
- 64 (g) camps on the beds of navigable lakes or rivers except in posted and designated
65 areas;
- 66 (h) camps on sovereign land for longer than 15 consecutive days at the same location
67 or within one mile of the same location;
- 68 (i) camps on sovereign land for 15 consecutive days, and then returns to camp at the
69 same location before 15 consecutive days have elapsed after the day on which the person left
70 that location;
- 71 (j) leaves an anchored or beached vessel unattended for longer than 48 hours on
72 sovereign land or navigable lakes or rivers;
- 73 (k) anchors or beaches a vessel for longer than 72 hours at the same location, on
74 sovereign land or navigable lakes or rivers, and then fails to move the vessel at least two miles
75 from that location; or
- 76 (l) parks or operates motor vehicles on the beds of navigable lakes and rivers except in
77 those areas supervised by the Division of Parks and Recreation or other state or local
78 enforcement entity and which are posted as open to vehicle use.
- 79 (3) [A] Except as provided in Subsection (4), a person is guilty of a class C
80 misdemeanor and liable for civil damages described in Subsection [(4)] (5) if, on state lands
81 surrounding Bear Lake and without written authorization of the division, the person:
- 82 (a) parks or operates a motor vehicle in an area on the exposed lake bed that is not
83 specifically posted by the division as open for usage;
- 84 (b) launches or retrieves a vessel in an area not specifically designated by the division
85 as open for launching or retrieving a vessel;
- 86 (c) exceeds a speed limit of 15 miles per hour while operating a motor vehicle;
- 87 (d) except as necessary while launching or retrieving a vessel in an area where the

88 person is permitted to launch or retrieve a vessel, parks or operates a motor vehicle within an
89 area between the water's edge and a line posted by the division;

90 (e) except as allowed and posted by the division, travels in a motor vehicle parallel to
91 the water's edge;

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

93 (g) starts a campfire or uses fireworks.

94 (4) Notwithstanding the provisions of Subsections ~~Ŝ→ [(2) and] ←Ŝ (3) Ŝ→ (a), (b), and~~

94a (d) ←Ŝ , a person Ŝ→ at Bear Lake ←Ŝ :

95 (a) may use a motor vehicle to transport an individual or equipment from a recorded
96 point of Ŝ→ [public] legal ←Ŝ access that allows motor vehicle traffic, to and from a beach site
96a area that the

97 person has a legal right to access and use; and

98 (b) who has received a permit from the division under Subsection 65A-2-6(1) to launch
99 or retrieve a motorboat shall, after launching or retrieving a motorboat, park the motor vehicle
100 and other equipment used to launch or retrieve the motorboat a minimum of 100 feet from the
101 water's edge.

102 [~~(4)~~] (5) A person who commits any act described in Subsection (2) or (3) is liable for
103 damages in the amount of:

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

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

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

109 [~~(5)~~] (6) In addition to the damages described in Subsection [~~(4)~~] (5), a person found
110 guilty of a misdemeanor under Subsection (2) or (3) is subject to the penalties provided in
111 Section 76-3-204.

112 [~~(6)~~] (7) Money collected under this section shall be deposited in the fund in which
113 similar revenues from that land would be deposited.