

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

January 23, 2006
Date

Committee on Agriculture, Livestock, & Natural Resources.

After consideration on the merits, the Committee recommends the following:

HB06-1049 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, strike lines 14 through 19 and substitute the
2 following:

3 "recreational purposes OR FOR WHICH THE LANDOWNER HAS ACQUIESCED
4 TO PUBLIC USE OF EXISTING TRAILS THAT HAVE HISTORICALLY BEEN USED
5 BY THE PUBLIC FOR RECREATIONAL PURPOSES. "Land", as used in this
6 subsection (2), does not include real property, buildings, or portions
7 thereof which are not the subject of a lease, easement, or other right of
8 use granted to a public entity; EXCEPT THAT, LAND ON WHICH A
9 LANDOWNER HAS ACQUIESCED TO PUBLIC USE OF EXISTING TRAILS THAT
10 HAVE HISTORICALLY BEEN USED BY THE PUBLIC FOR RECREATIONAL
11 PURPOSES NEED NOT BE SUBJECT TO A LEASE, EASEMENT, OR OTHER RIGHT
12 OF USE GRANTED TO A PUBLIC ENTITY. NOTHING IN THIS SUBPARAGRAPH
13 (II) SHALL BE CONSTRUED TO CREATE A PRESCRIPTIVE EASEMENT ON
14 LANDS ON WHICH A LANDOWNER HAS ACQUIESCED TO PUBLIC USE OF
15 EXISTING TRAILS THAT HAVE HISTORICALLY BEEN USED BY THE PUBLIC
16 FOR RECREATIONAL PURPOSES. THE INCIDENTAL USE OF SUCH PRIVATE
17 PROPERTY FOR RECREATIONAL PURPOSES SHALL NOT ESTABLISH OR
18 PRESUME FACTS TO SUPPORT LAND USE CLASSIFICATION OR ZONING."

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