

March 23, 2011

PROPOSED AMENDMENTS TO SENATE BILL NO. 2295

That the House recede from its amendments as printed on pages 1025 and 1026 of the Senate Journal and pages 1115 and 1116 of the House Journal and that Senate Bill No. 2295 be amended as follows:

Page 1, line 1, replace the first "section" with "sections 53-08-01 and"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 53-08-01 of the North Dakota Century Code is amended and reenacted as follows:

53-08-01. Definitions.

In this chapter, unless the context or subject matter otherwise requires:

1. "Charge" means the amount of money asked in return for an invitation to enter or go upon the land. "Charge" does not include vehicle, parking, shelter, or other similar fees required by any public entity.
2. "Commercial purpose" means a deliberative decision of an owner to invite or permit the use of the owner's property for normal business transactions, including the buying and selling of goods and services. The term includes any decision of an owner to invite members of the public onto the premises for recreational purposes as a means of encouraging business transactions or directly improving the owner's commercial activities other than through good will. "Commercial purpose" does not include the operation of public lands by a public entity except any direct activity for which there is a charge for goods or services.
3. "Land" includes all public and private land, roads, water, watercourses, and ways and buildings, structures, and machinery or equipment thereon.
- ~~3-4.~~ "Owner" includes tenant, lessee, occupant, or person in control of the premises.
- ~~4-5.~~ "Recreational purposes" includes any activity engaged in for the purpose of exercise, relaxation, pleasure, or education."

Page 1, line 6, overstrike "**landowner**" and insert immediately thereafter "**owner**"

Page 1, after line 6, insert:

"1."

Page 1, line 8, replace "irrespective" with "regardless"

Page 1, line 10, replace "related to" with "is directly derived from"

Page 1, line 10, replace "parties" with "persons"

Page 1, after line 12, insert:

"2. This section does not apply to:

- a. A person that enters land to provide goods or services at the request of, and at the direction or under the control of, an owner; or
- b. An owner engaged in a for-profit business venture that directly or indirectly invites members of the public onto the premises for commercial purposes or during normal periods of commercial activity in which members of the public are invited."

Page 1, line 16, replace "arises out of" with "is directly derived from"

Page 1, line 16, after "those" insert "recreational"

Page 1, line 17, after "owed" insert "other than a person that enters land to provide goods or services at the request of, and at the direction or under the control of, the owner"

Renumber accordingly