

WATER RIGHTS FEES

2005 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James R. Gowans

Senate Sponsor: Thomas V. Hatch

LONG TITLE

General Description:

This bill allows the state engineer to charge fees to certain public entities in certain situations.

Highlighted Provisions:

This bill:

▶ allows the state engineer to charge fees to certain public entities in certain situations.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63-38-3.3, as renumbered and amended by Chapter 46 and last amended by Chapter 370, Laws of Utah 2001

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

Section 1. Section **63-38-3.3** is amended to read:

63-38-3.3. Payment of fees prerequisite to service -- Exception.

(1) (a) State and county officers required by law to charge fees may not perform any official service unless the fees prescribed for that service are paid in advance.

(b) When the fee is paid, the officer shall perform the services required.

(c) An officer is liable upon the officer's official bond for every failure or refusal to perform an official duty when the fees are tendered.

(2) ~~(a) Except as provided [for payment of recording fees for county and municipal improvement district recordings in compliance with Sections 17A-3-207 and 17A-3-307, and as provided for payment of recording fees for judgments recorded in compliance with Sections 57-3-106 and 78-5-119;]~~ in Subsection (2)(b), no fees may be charged:

~~[(a)]~~ (i) to the officer's state, or any county or subdivision of the state;

~~[(b)]~~ (ii) to any public officer acting for the state, county, or subdivision;

~~[(c)]~~ (iii) in cases of habeas corpus;

~~[(d)]~~ (iv) in criminal causes before final judgment;

~~[(e)]~~ (v) for administering and certifying the oath of office;

~~[(f)]~~ (vi) for swearing pensioners and their witnesses; or

~~[(g)]~~ (vii) for filing and recording bonds of public officers.

(b) Fees may be charged for payment:

(i) of recording fees for county and municipal improvement district recordings in compliance with Sections 17A-3-207 and 17A-3-307;

(ii) of recording fees for judgments recorded in compliance with Sections 57-3-106 and 78-5-119; and

(iii) to the state engineer under Section 73-2-14.