



House of Representatives *State of Utah*

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January 27, 2005

Mr. Speaker:

The Natural Resources, Agriculture, and Environment Committee recommends **H.B. 38**, WATER LAW - CRIMINAL PENALTIES AMENDMENTS, by Representative B. Ferry, be replaced and reports a favorable recommendation on **1st Sub. H.B. 38**, WATER LAW - CRIMINAL PENALTIES AMENDMENTS with the following amendments:

1. *Page 4, Lines 100 through 112:*

- 100 (2) Under circumstances not amounting to an offense with a greater penalty under
101 Subsection 76-6-106(2)(b)(ii) or Section 76-6-404, violation of a provision listed in
 Subsection
102 (1) is punishable:
103 (a) as a felony of the third degree if:
104 (i) the value of the water diverted or property damaged or taken is \$2,500 or greater;
105 and
106 (ii) the person violating the provision has previously been convicted of {~~a~~
 provision
107 listed in Subsection (1)} violating the same provision ;
108 (b) as a class A misdemeanor if:
109 (i) the value of the water diverted or property damaged or taken is \$2,500 or greater;
 or
110 (ii) the person violating the provision has previously been convicted of {~~a~~
 provision
111 listed in Subsection (1)} violating the same provision ; or
112 (c) as a class B misdemeanor if Subsection (2)(a) or (b) do not apply.

2. *Page 9, Lines 243 through 250:*

- 243 73-3-26. Violations -- Penalty.
244 (1) Any person[~~, firm, copartnership, association, or corporation~~] drilling a well or
245 wells in the state or who advertises or holds himself {~~or itself~~} out as a well driller,
 or who

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246 follows such business, without first having obtained a {~~well permit, license, or well~~
247 ~~driller bond~~} license
248 as provided by this act or who drills a well or wells after revocation or expiration of his
249 {~~well~~
248 ~~permit, license, or well driller bond~~} license theretofore issued, [or who drills a
well or wells in
249 violation of the rules and regulations] is guilty of a [class B misdemeanor] crime
punishable
250 under Section 73-2-27.

3. *Page 11, Lines 312 through 315:*

312 (6) Except as provided in Subsection {~~73-2-29~~} (2), a person who knowingly or
313 intentionally relocates any natural stream channel, or alters the bed or bank of any natural
314 stream channel without first obtaining the written approval of the state engineer is guilty
of a
315 crime punishable under Section 73-3-27.

Respectfully,

Roger E. Barrus
Committee Chair

Voting: 15-0-0

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