

**MINUTES OF THE HOUSE  
NATURAL RESOURCES, AGRICULTURE, & ENVIRONMENT  
STANDING COMMITTEE**

Room W125, West Office Building, State Capitol Complex  
January 27, 2005

**Members Present:** Rep. Roger E. Barrus, Chair  
Rep. Michael E. Noel, Vice Chair  
Rep. Jackie Biskupski  
Rep. Craig W. Buttars  
Rep. David N. Cox  
Rep. Margaret Dayton  
Rep. Carl W. Duckworth  
Rep. James R. Gowans  
Rep. Bradley T. Johnson  
Rep. John G. Mathis  
Rep. Patrick L. Painter  
Rep. David Ure  
Rep. Mark W. Walker  
Rep. Mark A. Wheatley  
Rep. Richard Wheeler

**Staff Present:** Brian Allred, Policy Analyst  
Linda Error, Committee Secretary  
Jeanenne Larson, Associate General Counsel  
Chris Parker, Associate General Counsel

**Visitors List:** List filed with Committee Minutes

Rep. Barrus called the meeting to order at 8:06 a.m.

**MOTION:** Rep. Gowans moved to approve the minutes of the January 21, 2005 meeting. The motion passed unanimously, with Rep. Buttars, Rep. Johnson, Rep. Ure, Rep. Wheatly, and Rep. Noel absent for the vote.

**H.B. 29 State Engineer's Powers and Duties Amendments (Rep. D. Clark)**

Rep. D. Clark explained the bill with the assistance of Jerry Olds, State Engineer.

**MOTION:** Rep. Dayton moved to amend the bill as follows:

1. Page 2, Lines 33 through 37:

33 (3) ~~{+}~~ (a) ~~{+}~~ The state engineer shall ~~{+}~~

- 34            ~~{(a)}~~ be responsible for the general administrative supervision of the waters of  
the state  
35 and the measurement, appropriation, apportionment, and distribution of those waters[-];  
and  
36            (b) the state engineer may secure the equitable apportionment and distribution  
of the water according to the  
37 respective rights of appropriators.

The motion to amend passed unanimously, with Rep. Noel absent for the vote.

Spoke for the bill:           Fred Finlinson, Utah Water Coalition

MOTION:       Rep. Gowans moved to pass the bill out favorably as amended. The motion  
passed unanimously, with Rep. Noel absent for the vote.

**H.B. 38        Water Law - Criminal Penalties Amendments (Rep. B. Ferry)**

Rep. Ferry explained the bill with the assistance of Jerry Olds, State Engineer.

MOTION:       Rep. Ure moved to delete in title and body **H. B. 38** and replace it with **1st**  
**Substitute H.B. 38**. The motion passed unanimously, with Rep. Noel absent for  
the vote.

Spoke for the bill:           Fred Finlinson, Utah Water Coalition

Spoke to the bill:           Paul Boyden, Executive Director, State Association of Prosecutors  
Lynn Pace, Deputy Salt Lake City Attorney

MOTION:       Rep. Ure moved to amend the bill as follows:

*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.

The motion to amend passed unanimously, with Rep. Cox absent for the vote.

MOTION: Rep. Biskupski moved to amend the bill as follows:

*1. 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.

The motion to amend passed unanimously, with Rep. Cox absent for the vote.

MOTION: Rep. Ure moved to amend the bill as follows:

*1. 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  
246 follows such business, without first having obtained a ~~{well permit, license, or well~~  
driller bond} license  
247 as provided by this act or who drills a well or wells after revocation or expiration of his  
~~{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.

The motion to amend passed unanimously.

MOTION: Rep. Johnson moved to pass the bill out favorably as amended. The motion passed unanimously.

**H.B. 157 Water Enforcement Procedures and Penalties (*Rep. D. Ure*)**

Rep. Ure explained the bill with the assistance of Chris Parker, Associate General Counsel, Office of Legislative Research and General Counsel.

Spoke to the bill: Gary Thorup, Holmes, Roberts, and Owens Law Office

Spoke for the bill: Heather Schilton, Assistant Attorney General  
Fred Finlinson, Utah Water Coalition  
Michael Styler, Director, Department of Natural Resources  
Jerry Olds, State Engineer

MOTION: Rep. Dayton moved to pass the bill out favorably. The motion passed unanimously.

**H.B. 224 Permanent Community Impact Fund - Board Membership (*Rep. J. Mathis*)**

This bill was not considered in this meeting.

MOTION: Rep. Dayton moved to adjourn the meeting. The motion passed unanimously.

Rep. Barrus adjourned the meeting at 9:49 a.m.

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Rep. Roger E. Barrus, Chair