

MINUTES OF THE
SENATE NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT
STANDING COMMITTEE
Tuesday, February 8, 2005

Utah State Capitol Complex, West Office Building, Suite W015

Members Present: Sen. Michael Waddoups, Chair
 Sen. Fred Fife
 Sen. Thomas Hatch
 Sen. Scott McCoy
 Sen. Darin Peterson

Member Excused: Sen. Beverly Evans

Staff Present: J Brian Allred, Policy Analyst
 Jeanenne Larson, Associate General Counsel
 Saundra Maeser, Secretary

Public Speakers Present: Jerry Olds, State Engineer, Division of Water Rights
 Warren Peterson, Wattingham & Peterson Law Firm

A list of visitors and a copy of handouts are filed with the committee minutes.

Committee Chair Waddoups called the meeting to order at 9:35 a.m. He introduced committee member Sen. Scott McCoy, who is replacing Sen. Paula Julander.

1. Approval of Minutes

MOTION: Sen. Hatch moved to approve the minutes of February 4, 2005.

The motion passed unanimously.

2. H.C.R. 2 Cowboy Hall of Fame Resolution (Rep. L. Shurtliff)

Rep. LaWanna Shurtliff introduced the bill. A handout was distributed.

MOTION: Sen. Hatch moved to pass H.C.R 2, Cowboy Hall of Fame Resolution (*Rep. L. Shurtliff*), out favorably.

The motion passed unanimously.

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

Rep. David Clark introduced the bill.

MOTION: Sen. Fife moved to pass H.B. 29, State Engineer's Powers and Duties Amendments (*Rep. D. Clark*), out favorably.

The motion passed unanimously.

4. 1st Sub. H.B. 38 Water Law - Criminal Penalties Amendments (Rep. B. Ferry)

Rep. Ben Ferry introduced the bill. A handout was distributed.

Jerry Olds, State Engineer, Division of Water Rights, and Warren Peterson, Waddingham & Peterson Law Firm, spoke in support of the bill and answered questions from the committee.

MOTION: Sen. Hatch moved to pass 1st Sub. H.B. 38, Water Law - Criminal Penalties Amendments (*Rep. B. Ferry*), out favorably.

The motion passed unanimously.

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

Rep. David Ure introduced the bill.

MOTION: Sen. Hatch moved to adopt the following amendment to H.B. 157:

1. Page 7, Line 192
House Floor Amendments
2-3-2005

192 (a) provisions ~~H→~~ consistent with this Section ~~[[73-3-25]]~~ 73-2-25 and
Section 73-2-26 ~~←H~~ for

2. Page 8, Lines 215 through 217
House Floor Amendments
2-3-2005:

215 (8) ~~H→~~ [~~If a final order is upheld, in~~] ~~[[In]]~~ ~~←H~~ If the state engineer
prevails in an action brought under Subsection
215a ~~H→~~ (6)(b) or ~~←H~~ (7), the ~~H→~~ [person]
216 [~~against whom enforcement is sought shall be liable for~~] ~~[[prevailing party]]~~ the
state may recover ~~←H~~ all court
216a costs and a reasonable attorney
217 fee.

The motion passed unanimously.

MOTION: Sen. Hatch moved to pass H.B. 157, Water Enforcement Procedures and Penalties (*Rep. D. Ure*), out favorably as amended.

The motion passed unanimously.

MOTION: Sen. McCoy moved to adjourn.

The motion passed unanimously.

Chair Waddoups adjourned the meeting at 10:04 a.m.

Minutes reported by Sandra Maeser, Secretary

Michael Waddoups, Committee Chair