

73-5a-105 Independent consultants -- Owner to pay costs.

- (1) The state engineer may require the owner of a dam or proposed dam to obtain the services of an independent consultant or team of consultants approved by the state engineer to consult regarding the adequacy of the design, construction, or operation of the dam if safety considerations pertaining to the design, construction, or operation of the dam warrant an independent review.
- (2) The state engineer shall make rules specifying:
 - (a) the safety considerations that will be considered in determining if an independent review is required;
 - (b) the requisite qualifications and experience of the independent consultants; and
 - (c) the timing of the consultants' review so that their recommendations are made in a timely manner.
- (3)
 - (a) The independent consultants shall be considered to be the agents of the owner of the dam.
 - (b) The costs of the independent consultants' services shall be paid by the owner of the dam.
 - (c) The owner of the dam may require the independent consultants to consider other issues, in addition to safety considerations, such as:
 - (i) design selections or alternatives;
 - (ii) site selection;
 - (iii) cost effectiveness; or
 - (iv) other tasks as defined by the contract.

Enacted by Chapter 319, 1990 General Session