

1 **WATER RIGHTS FEES**

2 2005 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: James R. Gowans**

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**LONG TITLE**

6 **General Description:**

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

9 **Highlighted Provisions:**

10 This bill:

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

13 **Monies Appropriated in this Bill:**

14 None

15 **Other Special Clauses:**

16 None

17 **Utah Code Sections Affected:**

18 AMENDS:

19 **63-38-3.3**, as renumbered and amended by Chapter 46 and last amended by Chapter  
20 370, Laws of Utah 2001

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

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

23 **63-38-3.3. Payment of fees prerequisite to service -- Exception.**

24 (1) (a) State and county officers required by law to charge fees may not perform any  
25 official service unless the fees prescribed for that service are paid in advance.  
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28 (b) When the fee is paid, the officer shall perform the services required.  
29 (c) An officer is liable upon the officer's official bond for every failure or refusal to  
30 perform an official duty when the fees are tendered.  
31 (2) ~~(a) Except as provided [for payment of recording fees for county and municipal~~  
32 ~~improvement district recordings in compliance with Sections 17A-3-207 and 17A-3-307, and~~  
33 ~~as provided for payment of recording fees for judgments recorded in compliance with Sections~~  
34 ~~57-3-106 and 78-5-119,]~~ in Subsection (2)(b), no fees may be charged:  
35 [~~a~~] (i) to the officer's state, or any county or subdivision of the state;  
36 [~~b~~] (ii) to any public officer acting for the state, county, or subdivision;  
37 [~~c~~] (iii) in cases of habeas corpus;  
38 [~~d~~] (iv) in criminal causes before final judgment;  
39 [~~e~~] (v) for administering and certifying the oath of office;  
40 [~~f~~] (vi) for swearing pensioners and their witnesses; or  
41 [~~g~~] (vii) for filing and recording bonds of public officers.  
42 (b) Fees may be charged for payment:  
43 (i) of recording fees for county and municipal improvement district recordings in  
44 compliance with Sections 17A-3-207 and 17A-3-307;  
45 (ii) of recording fees for judgments recorded in compliance with Sections 57-3-106 and  
46 78-5-119; and  
47 (iii) to the state engineer under Section 73-2-14.

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**Legislative Review Note**  
**as of 1-24-05 5:37 PM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0150**

**Water Rights Fees**

*27-Jan-05*

*7:34 AM*

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**State Impact**

No fiscal impact.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**