

H.B. 157

WATER ENFORCEMENT PROCEDURES AND PENALTIES

HOUSE FLOOR AMENDMENTS

AMENDMENT 1

FEBRUARY 3, 2005 9:09 AM

Representative **David Ure** proposes the following amendments:

1. *Page 7, Lines 190 through 193:*

190 (3) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
191 state engineer shall make rules necessary to enforce an initial order, which shall include:
192 (a) provisions **consistent with this Section 73-3-25 and Section 73-2-26** for enforcement of the
initial order if a person to whom an initial order is
193 issued fails to respond to the order or abate the violation;

2. *Page 7, Lines 207 through 209:*

207 (6) (a) The state engineer's final order may be reviewed **by trial de novo** by the district court in:
208 (i) Salt Lake County; or
209 (ii) the county where the violation occurred.

3. *Page 8, Lines 215 through 217:*

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