

## SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Hisey

1 Amend the Agriculture and Natural Resources Committee Report, dated  
2 March 3, 2022, page 1, after line 9 insert:

3 "Page 5 of the printed bill, strike lines 13 through 15 and substitute  
4 "GENERAL ASSEMBLY HEREBY DECLARES THAT:

5 (a) FIRE SUPPRESSION PONDS ARE ESSENTIAL FOR THE PROTECTION  
6 OF PUBLIC SAFETY AND WELFARE; AND

7 (b) BASED ON THIS DECLARATION, THE STATE ENGINEER IS  
8 AUTHORIZED TO REVIEW APPLICATIONS AND DESIGNATE PONDS AS FIRE  
9 SUPPRESSION PONDS IN ACCORDANCE WITH THIS SECTION."

10 Page 5 of the bill, line 24, strike "AND".

11 Page 5 of the bill, line 27, strike "(4)" and substitute "(3)(a)(III)".

12 Page 6 of the bill, strike line 1 and substitute "SECTION; AND

13 (III) FOR EACH POND THAT IS IDENTIFIED AND UNDER  
14 CONSIDERATION AS A POTENTIAL FIRE SUPPRESSION POND, PROVIDE  
15 NOTICE OF SUCH FACT TO THE STATE ENGINEER, WHICH NOTICE MUST  
16 INDICATE THE LOCATION AND APPROXIMATE SURFACE AREA OF THE  
17 POND."."

18 Page 1 of the committee report, line 10, strike ""(8)"" and substitute  
19 ""(5)"".

20 Page 1 of the committee report, strike lines 11 through 15 and substitute:

21 "Page 6 of the bill, strike lines 14 through 27.

22 Page 7 of the bill, strike lines 1 through 22 and substitute:

23 "(c) IF A POND THAT IS UNDER CONSIDERATION FOR DESIGNATION  
24 AS A FIRE SUPPRESSION POND IS LOCATED IN WHOLE OR IN PART UPON  
25 PRIVATE PROPERTY, A BOARD OF COUNTY COMMISSIONERS SHALL ACQUIRE  
26 THE VOLUNTARY WRITTEN APPROVAL OF EACH OWNER OF PRIVATE  
27 PROPERTY THAT ABUTS THE POND BEFORE THE BOARD APPLIES TO THE  
28 STATE ENGINEER FOR THE DESIGNATION OF THE POND AS A FIRE  
29 SUPPRESSION POND.

30 (d) IF A BOARD OF COUNTY COMMISSIONERS HAS NOTIFIED THE  
31 STATE ENGINEER PURSUANT TO SUBSECTION (3)(a)(III) OF THIS SECTION  
32 THAT A POND IS UNDER CONSIDERATION AS A FIRE SUPPRESSION POND, THE

- 1 BOARD SHALL NOTIFY THE STATE ENGINEER PROMPTLY IF AND WHEN THE  
2 POND IS NO LONGER UNDER SUCH CONSIDERATION."."
- 3 Page 1 of the committee report, after line 16 insert:
- 4 "Page 8 of the bill, line 2, strike "(4)" and substitute "(3)(a)(III)"."
- 5 Page 1 of the committee report, line 19, strike ""(8)"" and substitute  
6 ""(5)"".
- 7 Page 2 of the committee report, line 3, strike ""(7)(c)"" and substitute  
8 ""(4)(c)"".
- 9 Page 2 of the committee report, line 14, strike ""(8)(a)"" and substitute  
10 ""(5)(a)"".
- 11 Page 2 of the committee report, after line 14 insert:
- 12 "Page 9 of the bill, line 25, strike "AND".
- 13 Page 9 of the bill, strike line 27 and substitute "ENTITIES; AND  
14 (V) BASIN ROUNDTABLES."."
- 15 Page 2 of the committee report, strike line 16 and substitute:
- 16 ""(7) THE".
- 17 Page 2 of the committee report, line 22, strike "(8)" and substitute "(5)".
- 18 Page 2 of the committee report, strike line 26 and substitute:
- 19 "Page 10 of the bill, strike lines 21 through 24 and substitute  
20 "SUPPRESSION POND, THE STATE ENGINEER SHALL:  
21 (a) CONSIDER WHETHER THE NEEDS ASSESSMENT PERFORMED FOR  
22 THE POND PURSUANT TO SECTION 37-82-107 (3)(a)(II) EVALUATED THE  
23 CRITERIA ESTABLISHED BY RULES PROMULGATED BY THE DIVISION OF FIRE  
24 PREVENTION AND CONTROL PURSUANT TO SECTION 37-82-107 (5); AND  
25 (b) VERIFY THAT THE POND SATISFIES THE REQUIREMENTS  
26 DESCRIBED IN SUBSECTION (10)(a)(II) OF THIS SECTION."
- 27 Page 11 of the bill, strike lines 1 through 6 and substitute:
- 28 "(4) WITHIN ONE HUNDRED FIFTY-FOUR DAYS AFTER RECEIVING AN

- 1 APPLICATION TO DESIGNATE A FIRE SUPPRESSION POND, THE STATE  
2 ENGINEER SHALL:
- 3 (a) REVIEW THE APPLICATION; AND  
4 (b) AT THE STATE ENGINEER'S DISCRETION, DESIGNATE A POND AS  
5 A FIRE SUPPRESSION POND, DENY THE APPLICATION, SCHEDULE A HEARING,  
6 OR REQUEST ADDITIONAL INFORMATION."
- 7 Page 12 of the bill, line 1, strike "TWENTY" and substitute "FIFTEEN".
- 8 Page 12 of the bill, strike line 3 and substitute:
- 9 "(b) NO SOONER THAN THREE HUNDRED SIXTY-FIVE DAYS BEFORE  
10 THE EXPIRATION OF THE DESIGNATION OF A POND AS".
- 11 Page 12 of the bill, line 6, strike "SHALL" and substitute "MAY".
- 12 Page 12 of the bill, line 7, strike "37-82-107 (3)." and substitute  
13 "37-82-107 (3), IF THE BOARD DESIRES THAT THE POND BE RECERTIFIED AS  
14 A FIRE SUPPRESSION POND."."
- 15 Page 2 of the committee report, line 27, strike ""(8),"." and substitute  
16 ""(5),".".
- 17 Page 2 of the committee report, line 28, strike ""(8),"." and substitute  
18 ""(5),".".
- 19 Page 2 of the committee report, strike line 31.
- 20 Page 3 of the committee report, strike line 1 and substitute:
- 21 "Page 13 of the bill, strike lines 1 through 3 and substitute "CONTRARY,  
22 THE STATE ENGINEER SHALL NOT:
- 23 (I) DESIGNATE MORE THAN THIRTY TOTAL SURFACE ACRES OF  
24 POND IN ANY COUNTY AS A FIRE SUPPRESSION POND; OR  
25 (II) DESIGNATE ANY POND AS A FIRE SUPPRESSION POND UNLESS:".
- 26 Page 3 of the committee report, line 2, strike "(I)" and substitute "(A)".
- 27 Page 3 of the committee report, line 4, strike "(II)" and substitute "(B)".
- 28 Page 3 of the committee report, line 7, strike "(III)" and substitute "(C)".
- 29 Page 3 of the committee report, line 10, strike "(IV)" and substitute "(D)".

- 1 Page 3 of the committee report, line 12, strike "(V)" and substitute "(E)".
- 2 Page 3 of the committee report, line 17, strike "(10)(a)(V)" and substitute  
3 "(10)(a)(II)(E)".
- 4 Page 3 of the committee report, line 20, strike "37-82-107 (3)(a)(II);" and  
5 substitute "37-82-107 (3)(a)(II), INCLUDING A SUMMARY OF FINDINGS;".
- 6 Page 3 of the committee report, strike lines 22 and 23 and substitute "AS  
7 A FIRE SUPPRESSION POND; AND".
- 8 Page 3 of the committee report, line 25, strike "THIRTY-FIVE" and  
9 substitute "ONE HUNDRED FORTY".
- 10 Page 3 of the committee report, after line 27 insert:
- 11 "(c) IN SUBMITTING AN APPLICATION FOR THE DESIGNATION OF A  
12 POND AS A FIRE SUPPRESSION POND, A BOARD OF COUNTRY  
13 COMMISSIONERS MUST INCLUDE WITH THE APPLICATION EVIDENCE THAT  
14 THE BOARD PROVIDED THE NOTICE DESCRIBED IN SUBSECTION  
15 (10)(a)(II)(E) OF THIS SECTION."
- 16 Page 3 of the committee report, line 28, strike "THIRTY-FIVE" and  
17 substitute "SEVENTY".
- 18 Page 4 of the committee report, line 3, strike "(8);" and substitute "(5);".
- 19 Page 4 of the committee report, line 15, strike "(8)" and substitute "(5)".

\*\* \*\*\* \*\* \*\*\* \*\*