

73-2-23 Emergency powers of state engineer -- Multi-county flood mitigation activities -- Termination of assistance.

- (1) In addition to the emergency powers under Section 73-2-22, the state engineer shall assist counties in emergency flood mitigation on intercounty waterways when all the following conditions exist:
 - (a) two or more counties are involved;
 - (b) the flood mitigation activity has or may have adverse effect on the county;
 - (c) the county executive of that adversely impacted county requests the state engineer's involvement;
 - (d) the requesting county is providing an ongoing flood control program with jurisdiction-wide funding equivalent to .0004 per dollar of taxable value of taxable property; and
 - (e) the requesting county has established a flood control program through zoning.
- (2) Multi-county flood mitigation activities by the state engineer shall include:
 - (a) assisting the counties in emergency flood mitigation planning;
 - (b) furnishing engineering or other technical services;
 - (c) making recommendations in emergency situations, and, if requested, participating in making emergency flood control decisions; and
 - (d) in the event a decision is not reached, the final decision-making authority.
- (3) The assistance or involvement will cease when in the state engineer's judgment the flood conditions or potential for flooding subsides or when the county governing bodies of all affected counties request that the jurisdiction cease.

Amended by Chapter 227, 1993 General Session