

COUNTY GOVERNING BODY AUTHORITY

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen G. Handy

Senate Sponsor: Kevin T. Van Tassell

LONG TITLE

General Description:

This bill enacts provisions authorizing a county governing body to represent the county and consult with the federal government in certain federal land development and regulation actions.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ authorizes a county governing body to represent the county as a cooperating agency for certain federal land development and management actions;
- ▶ designates the governing body as a body that has special expertise for certain federal land development and management actions; and
- ▶ authorizes a county to participate in certain coordinating efforts with a federal agency.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

17-53-318, Utah Code Annotated 1953



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

Section 1. Section **17-53-318** is enacted to read:

17-53-318. Governing body as cooperating agency in federal land planning and regulation.

(1) As used in this section:

(a) "Cooperating agency" means:

(i) a cooperating agency as defined in 43 CFR 1601.0-5; or

(ii) a cooperating agency as defined in 40 CFR 1508.5.

(b) "General plan" means the general plan described in Title 17, Chapter 27a, Part 4, General Plan.

(c) "Governing body" means, respectively:

(i) a county commission;

(ii) a county council and county executive; or

(iii) a county council and county manager.

(2) A governing body or a person designated by the governing body:

(a) may represent the county as a cooperating agency; and

(b) is considered to have special expertise:

(i) in a matter related to the:

(A) National Environmental Policy Act of 1969, 42 U.S.C. Sec. 4321 et seq.;

(B) Federal Land Policy Management Act of 1976, 43 U.S.C. Sec. 1701 et seq.;

(C) Wilderness Act of 1964, 16 U.S.C. Sec. 1131 et seq.;

(D) Multiple-Use Sustained Yield Act of 1960, 16 U.S.C. Sec. 528 et seq.;

(E) National Forest Management Act of 1976, 16 U.S.C. Sec. 1600 et seq.; or

(F) an energy policy and conservation act amended by the Energy Policy Act of 2005, 42 U.S.C. Sec. 16511 et seq.;

(ii) in a matter related to federal land development and planning, the implementation of a federal resource management plan, and other related federal land management actions;

(iii) regarding whether a federal land development and plan, resource management plan, or other related federal land management action is consistent with an adopted county general plan; and

59 (iv) on a subject matter for which it has statutory responsibility, including a subject
60 matter related to the health, safety, welfare, custom, culture, or socioeconomic viability of a
61 county.

62 (3) A county through its governing body or a person designated by the governing body
63 may participate in efforts to coordinate and make consistent the federal agency resource
64 management plan or other related management action with the general plan as provided in:

65 (a) the Federal Land Policy Management Act of 1976, 43 U.S.C. Sec. 1701 et seq.;

66 (b) 16 U.S.C. Sec. 1604; or

67 (c) any other federal law or rule that provides for coordination and consistency with
68 local government plans and policies.

Legislative Review Note
as of 2-4-13 1:30 PM

Office of Legislative Research and General Counsel