unedited

EXHIBIT 10
DATE 3-17-11
SB 117

Amendments to Senate Bill No. 117
3rd Reading Copy
Requested by Senator Greg Hinkle
For the House Local Government Committee
Prepared by Leanne Kurtz
March 17, 2011 (4:00pm)

1. Title, line 6 through line 8.
Strike: "REQUIRING" on line 6 through "CIRCUMSTANCES;" on line 8

2. Title, line 9.
Strike: "DEMANDING"
Insert: "COUNTY GOVERNMENTS, SPECIAL DISTRICTS, AND STATE AGENCIES TO DEMAND"
Following: "COORDINATION"
Insert: "FROM THE FEDERAL GOVERNMENT"

3. Title, line 13.
Strike: "7-1-114,"
Following: "7-1-2103"
Strike: ","

4. Page 2, line 19.
Strike: "**required**"

5. Page 2, line 20.
Strike: "shall"
Insert: "may"

6. Page 2, line 28.
Strike: "fails to comply with the provisions of this section"
Insert: "does not demand coordination as provided in subsection (1)"

7. Page 3, line 7 through line 8.
Strike: "FAILURE" on line 7 through "COORDINATE" on line 8
Insert: "decision to not demand coordination"
Following: "OR" on line 8
Insert: "failure to"

8. Page 3, line 10.
Following: "on its"
Insert: "decision to not demand coordination or"

9. Page 3, line 23.
Strike: "**required**"

10. Page 3, line 24.
Strike: "shall"
Insert: "may"

11. Page 4, line 3.
Strike: "fails to comply with the provisions of this section"
Insert: "does not demand coordination as provided in subsection (1)"

12. Page 4, line 13.
Strike: "FAILURE TO COORDINATE"
Insert: "decision to not demand coordination"
Following: "OR"
Insert: "failure to"

13. Page 4, line 16.
Following: "on its"
Insert: "decision to not demand coordination or"

14. Page 4.
Following: line 27
Insert: "NEW SECTION. **Section 3. State agencies may coordinate.** (1) If a state agency has a plan or policy that is less restrictive than a federal plan or policy, the state agency may demand by any lawful means that the federal government coordinate with the state before the federal government implements, enforces, expands, or extends the federal plan or policy within the state's jurisdictional boundaries.

(2) If a state agency demands coordination as provided in subsection (1) and the federal government fails to coordinate in good faith with the agency, the state agency shall:

(a) hold public hearings to discuss the plan or policy and consider any information that has been provided by the federal government; and

(b) determine whether or not to litigate to enforce the state's coordination rights.

(3) For the purposes of this section:

(a) "coordinate" means to seek in good faith to reach consistency between state and county plans or policies;

(b) "less restrictive", "plan", and "policy" have the meaning provided in [section 1]."
Renumber: subsequent sections

15. Page 5, line 30 through page 6, line 19.
Strike: section 3 in its entirety
Renumber: subsequent sections

16. Page 9, line 19.
Strike: "shall"
Insert: "may"

17. Page 12.
Following: line 23

Insert: "(3) [Section 3] is intended to be codified as an integral part of Title 2, chapter 11, and the provisions of Title 2, chapter 11, apply to [section 3]."

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