

HB0164S01 compared with HB0164

~~text~~ shows text that was in HB0164 but was deleted in HB0164S01.

text shows text that was not in HB0164 but was inserted into HB0164S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Marc K. Roberts proposes the following substitute bill:

STATE AND POLITICAL SUBDIVISION

JURISDICTIONAL AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Marc K. Roberts

Senate Sponsor: _____

Cosponsors:

Jacob L. Anderegg

Jerry B. Anderson

Roger E. Barrus

Melvin R. Brown

Kay J. Christofferson

Susan Duckworth

Brian M. Greene

Keith Grover

Stephen G. Handy

Ken Ivory

John Knotwell

Dana L. Layton

David E. Lifferth

Mike K. McKell

Jim Nielson

Curtis Oda

Jeremy A. Peterson

Douglas V. Sagers

Jon E. Stanard

Keven J. Stratton

John R. Westwood

Ryan D. Wilcox

LONG TITLE

General Description:

HB0164S01 compared with HB0164

This bill modifies Title 11, Cities, Counties, and Local Taxing Units, by creating the "Local Jurisdiction Related to Federally Managed Land Act."

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ describes actions that may be taken by a chief executive officer of a municipality or county, or a county sheriff, to respond to action taken, or action not being taken, by the United States Bureau of Land Management (BLM) or the United States Forest Service (Forest Service) on federally managed land in the state that adversely affects ~~{,}~~ or ~~{may adversely affect,}~~ constitutes an imminent threat to the health, safety, or welfare of the people of the municipality or county, which actions may include:
 - providing written notice to the BLM or Forest Service; and
 - entry onto the federally managed land to mitigate the risk to the health, safety, or welfare of the people of the municipality, if, after receiving notice, the BLM or Forest Service does not mitigate the risk to the health, safety, or welfare of the people of the municipality or county; and
- ▶ provides that the state shall indemnify a chief executive officer, a county sheriff, or an employee or agent of the chief executive officer or county sheriff against an action brought by the United States or a federal representative, if the indemnified person was acting in good faith to follow the requirements of this act.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

11-50-101, Utah Code Annotated 1953

11-50-102, Utah Code Annotated 1953

11-50-103, Utah Code Annotated 1953

11-50-104, Utah Code Annotated 1953

HB0164S01 compared with HB0164

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

Section 1. Section **11-50-101** is enacted to read:

CHAPTER 50. LOCAL JURISDICTION RELATED TO FEDERALLY MANAGED LAND ACT

11-50-101. Title.

This chapter is known as the "Local Jurisdiction Related to Federally Managed Land Act."

Section 2. Section **11-50-102** is enacted to read:

11-50-102. Definitions.

As used in this chapter:

(1) "Chief executive officer" means:

(a) for a municipality:

(i) the mayor, if the municipality is operating under a form of municipal government other than the council-manager form of government; or

(ii) the city manager, if the municipality is operating under the council-manager form of government; or

(b) for a county:

(i) the chair of the county commission, if the county is operating under the county commission or expanded county commission form of government;

(ii) the county executive officer, if the county is operating under the county-executive council form of government; or

(iii) the county manager, if the county is operating under the council-manager form of government.

(2) "County sheriff" means an individual elected to the office of county sheriff in the state who meets the qualifications described in Section 17-22-1.5.

(3) "Federal agency" means the United States Bureau of Land Management or the United States Forest Service.

(4) "Federally managed land" means land that is managed by the United States Bureau of Land Management or the United States Forest Service.

(5) "Political subdivision" means a municipality or county.

HB0164S01 compared with HB0164

Section 3. Section **11-50-103** is enacted to read:

11-50-103. Local jurisdiction related to federally managed land.

The authority of a chief executive officer of a political subdivision or county sheriff to exercise jurisdiction over federally managed land in the state that is encompassed by or adjacent to the political subdivision includes the following:

(1) if the action or inaction of a federal agency related to federally managed land adversely affects ~~{,}~~ or ~~{may adversely affect,}~~ constitutes an imminent threat to the health, safety, or welfare of the people of the political subdivision, the chief executive officer or county sheriff may provide written notice to the federal agency, which notice shall:

(a) be delivered to the federal agency by hand or by certified mail and a copy provided by certified mail to the governor, the state attorney general, and the state's Congressional delegation;

(b) include a detailed explanation of how the action or inaction of the federal agency related to federally managed land adversely affects ~~{,}~~ or ~~{may adversely affect,}~~ constitutes an imminent threat to the health, safety, or welfare of the people of the political subdivision;

(c) include a detailed description of the action the federal agency should take to mitigate the risk to the health, safety, or welfare of the people of the political subdivision; and

(d) provide a specific date by which time the federal agency should respond to the notice; and

(2) if after receiving notice as described in Subsection (1)(a), the federal agency does not respond by the date requested in the notice, or otherwise indicates that it is unwilling to take action to mitigate the risk to the health, safety, or welfare of the people of the political subdivision described in the notice, the chief executive officer or county sheriff may exercise jurisdictional authority by taking action to mitigate the risk to the health, safety, or welfare of the people of the political subdivision, which action may include:

(a) entry onto the federally managed land by the chief executive officer or county sheriff and employees or agents of the chief executive officer or county sheriff as necessary to mitigate the risk to the health, safety, or welfare of the people of the political subdivision; and

(b) authorizing any vehicle as defined in Section 41-6a-102 and any equipment to be brought onto federally managed land and used as necessary to mitigate the risk to the health, safety, or welfare of the people of the political subdivision.

HB0164S01 compared with HB0164

Section 4. Section **11-50-104** is enacted to read:

11-50-104. Indemnification.

If the United States or a federal representative brings an action or a proceeding against a chief executive officer, a county sheriff, or an employee or agent of a chief executive officer or county sheriff for exercising the jurisdictional authority described in this chapter, the state shall indemnify, hold harmless, and defend the chief executive officer, the county sheriff, or the employee or agent, if the chief executive officer, the county sheriff, or the employee or agent:

(1) acted in good faith in responding to a risk to the health, safety, or welfare of the people of the political subdivision;

(2) acted in good faith to follow the requirements of this chapter; and

(3) for an employee or agent, acted in good faith to follow the express direction of the chief executive officer or county sheriff in any entry, or mitigation action performed, on federally managed land.

†

Legislative Review Note

~~as of 2-27-13 12:38 PM~~

~~Office of Legislative Research and General Counsel}~~