

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

**STATE AND POLITICAL SUBDIVISION
JURISDICTIONAL AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Marc K. Roberts

Senate Sponsor: _____

LONG TITLE

General Description:

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, 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



28 action brought by the United States or a federal representative, if the indemnified person was
29 acting in good faith to follow the requirements of this act.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 ENACTS:

36 **11-50-101**, Utah Code Annotated 1953

37 **11-50-102**, Utah Code Annotated 1953

38 **11-50-103**, Utah Code Annotated 1953

39 **11-50-104**, Utah Code Annotated 1953



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

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

43 **CHAPTER 50. LOCAL JURISDICTION RELATED TO FEDERALLY**
44 **MANAGED LAND ACT**

45 **11-50-101. Title.**

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

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

49 **11-50-102. Definitions.**

50 As used in this chapter:

51 (1) "Chief executive officer" means:

52 (a) for a municipality:

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

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

57 (b) for a county:

58 (i) the chair of the county commission, if the county is operating under the county

59 commission or expanded county commission form of government;

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

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

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

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

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

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

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

72 **11-50-103. Local jurisdiction related to federally managed land.**

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

76 (1) if the action or inaction of a federal agency related to federally managed land
77 adversely affects, or may adversely affect, the health, safety, or welfare of the people of the
78 political subdivision, the chief executive officer or county sheriff may provide written notice to
79 the federal agency, which notice shall:

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

83 (b) include a detailed explanation of how the action or inaction of the federal agency
84 related to federally managed land adversely affects, or may adversely affect, the health, safety,
85 or welfare of the people of the political subdivision;

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

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

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

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

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

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

103 **11-50-104. Indemnification.**

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

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

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

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

Legislative Review Note
as of 2-27-13 12:38 PM

Office of Legislative Research and General Counsel