

1st Sub. H.B. 164

STATE AND POLITICAL SUBDIVISION JURISDICTIONAL AMENDMENTS

SENATE FLOOR AMENDMENTS

AMENDMENT 1

MARCH 13, 2013 10:22 AM

Senator **David P. Hinkins** proposes the following amendments:

1. *Page 3, Line 80 through Page 4, Line 109:*

80 11-50-103. Local jurisdiction related to federally managed land.

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

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

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

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

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

96 {(d)} (iv) provide a specific date by which time the federal agency should respond to the
97 notice; and

98 {(2)} (b) subject to Subsection (2), if after receiving notice as described in Subsection
99 (1)(a), the federal agency does

100 not respond by the date requested in the notice, or otherwise indicates that it is unwilling to
101 take action to mitigate the risk to the health, safety, or welfare of the people of the political
102 subdivision described in the notice, the chief executive officer or county sheriff may exercise
103 jurisdictional authority by taking action to mitigate the risk to the health, safety, or welfare of

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

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

(2) If after receiving a copy of the notice as described in Subsection (1)(a), the governor, by written notice by the date described in Subsection (1)(a)(iv), informs the chief executive officer or county sheriff that the governor objects to potential mitigation action being performed by the chief executive officer or county sheriff, the chief executive officer or county sheriff may not perform the mitigation action under Subsection (1)(b).