

AGENDA ITEM # II.

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H.B. 164

STATE AND POLITICAL SUBDIVISION

JURISDICTIONAL AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Marc K. Roberts

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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; and
- ▶ describes the jurisdictional authority that may be exercised by a chief executive officer of a municipality or county, or a county sheriff, in response 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

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29 the state that adversely affects or constitutes an imminent threat to the health, safety, or welfare
30 of the people of the municipality or county, which includes:

- 31 • providing written notice to the BLM or Forest Service; and
32 • taking action to mitigate the risk to the health, safety, or welfare of the people of
33 the municipality, if, after receiving notice, the BLM or Forest Service does not
34 mitigate the risk to the health, safety, or welfare of the people of the
35 municipality or county.

36 **Money Appropriated in this Bill:**

37 None

38 **Other Special Clauses:**

39 None

40 **Utah Code Sections Affected:**

41 ENACTS:

42 **11-50-101**, Utah Code Annotated 1953

43 **11-50-102**, Utah Code Annotated 1953

44 **11-50-103**, Utah Code Annotated 1953



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

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

48 **CHAPTER 50. LOCAL JURISDICTION RELATED TO FEDERALLY**
49 **MANAGED LAND ACT**

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

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

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

54 **11-50-102. Definitions.**

55 As used in this chapter:

56 (1) "Chief executive officer" means:

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57 (a) for a municipality:

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

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

62 (b) for a county:

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

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

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

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

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

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

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

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

77 **11-50-103. Local jurisdiction related to federally managed land -- Written notice**
78 **-- Mitigation action.**

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

82 (1) if the action or inaction of a federal agency related to federally managed land
83 adversely affects or constitutes an imminent threat to the health, safety, or welfare of the people
84 of the political subdivision, the chief executive officer or county sheriff may provide written

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85 notice to the federal agency, which notice shall:

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

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

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

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

96 (2) if after receiving notice as described in Subsection (1)(a), the federal agency does
97 not respond by the date requested in the notice, or otherwise indicates that it is unwilling to
98 take action to mitigate the risk to the health, safety, or welfare of the people of the political
99 subdivision described in the notice, the chief executive officer or county sheriff may take
100 action to mitigate the risk to the health, safety, or welfare of the people of the political
101 subdivision.