

POLITICAL SUBDIVISION JURISDICTION AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Marc K. Roberts

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions of Title 11, Chapter 51, Local Jurisdiction Related to Federally Managed Land Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ authorizes a chief executive officer of a political subdivision or county sheriff to exercise jurisdiction over a federally managed national monument or recreation area in the state that is encompassed by or adjacent to the political subdivision;
- ▶ 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 followed the requirements of this act; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



28 11-51-102, as enacted by Laws of Utah 2013, Chapter 342

29 11-51-103, as enacted by Laws of Utah 2013, Chapter 342

30 ENACTS:

31 11-51-104, Utah Code Annotated 1953



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

34 Section 1. Section 11-51-102 is amended to read:

35 **11-51-102. Definitions.**

36 As used in this chapter:

37 (1) "Chief executive officer" means:

38 (a) for a municipality:

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

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

43 (b) for a county:

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

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

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

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

52 (3) "Federal agency" means the United States Bureau of Land Management [or], the
53 United States Forest Service, the United States Fish and Wildlife Service, or the National Park
54 Service.

55 (4) "Federally managed land" means land that is managed by the United States Bureau
56 of Land Management [or], the United States Forest Service, or the National Park Service.

57 (5) "National monument" means a national monument designated or declared in
58 accordance with the Antiquities Act of 1906, 16 U.S.C. Sec. 431 et seq.

59 (6) "National recreation area" means a recreation area designated by an act of
60 Congress.

61 ~~[(5)]~~ (7) "Political subdivision" means a municipality or county.

62 Section 2. Section **11-51-103** is amended to read:

63 **11-51-103. Local jurisdiction related to federally managed land -- Written notice**
64 **-- Mitigation action.**

65 The authority of a chief executive officer of a political subdivision or county sheriff to
66 exercise jurisdiction over federally managed land, a national monument, or a national
67 recreation area in the state that is encompassed by or adjacent to the political subdivision
68 includes the following:

69 (1) if the action or inaction of a federal agency related to federally managed land, the
70 national monument, or the national recreation area adversely affects or constitutes an imminent
71 threat to the health, safety, or welfare of the people of the political subdivision, the chief
72 executive officer or county sheriff may provide written notice to the federal agency, which
73 notice shall:

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

77 (b) include a detailed explanation of how the action or inaction of the federal agency
78 related to federally managed land, the national monument, or the national recreation area
79 adversely affects or constitutes an imminent threat to the health, safety, or welfare of the people
80 of the political subdivision;

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

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

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

90 subdivision.

91 Section 3. Section **11-51-104** is enacted to read:

92 **11-51-104. Indemnification.**

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

98 (1) followed the requirements of this chapter;

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

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

Legislative Review Note
as of 11-19-13 1:51 PM

Office of Legislative Research and General Counsel