

**MINUTES OF THE
COMMISSION ON FEDERALISM**

Tuesday, September 9, 2014 – 3:00 p.m. – Room 250 State Capitol

Members Present:

President Wayne L. Niederhauser, Chair
Speaker Rebecca D. Lockhart, Chair
Sen. Mark B. Madsen
Sen. Karen Mayne
Rep. Ken Ivory
Rep. Brian S. King
Rep. V. Lowry Snow

Staff Present:

Mr. Jerry D. Howe, Managing Policy Analyst
Mr. Nathan W. Brady, Policy Analyst
Ms. Cathy J. Dupont, Associate General Counsel
Mr. Robert H. Rees, Associate General Counsel
Ms. Sara J. Thomas, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Commission Business

Chair Niederhauser called the meeting to order at 3:09 p.m.

MOTION: Rep. Snow moved to approve the minutes of the July 1, 2014, meeting. The motion passed unanimously. Speaker Lockhart and Senator Madsen were absent for the vote.

2. Cross-jurisdictional Issues – Counties and Federal Government

Chair Niederhauser briefly explained how cross-jurisdictional issues between counties and the federal government are relevant to the work of the commission. He noted his concern regarding unreimbursed search and rescue expenses incurred by Garfield County on federal lands.

Mr. Leland Pollock, Garfield County Commissioner, reviewed several examples of cross-jurisdictional issues between Garfield County and the federal government. He explained that 93% of Garfield County is subject to federal control, which has a significant impact on the county's ability to collect tax revenue. Commissioner Pollock explained how a proposed change in the United States Forest Service's grazing policy will affect the lives of ranchers who live and work in the county. He reviewed other problematic federal policies dealing with endangered species, public safety, roads, and fire management. He responded to questions from the commission regarding ways the Legislature can help address cross-jurisdictional issues and action the county has taken to address these conflicts.

Mr. James Perkins, Sheriff, Garfield County, described his experiences working with a number of federal agencies in his capacity as sheriff. While noting the good working relationship between his office and the Drug Enforcement Agency, National Parks Service, and Federal Bureau of Investigation, Sheriff Perkins explained that other agencies are less respectful of the authority of the sheriff as the chief law enforcement officer in the county. He expressed concern with the behavior of some Bureau of Land Management (BLM) law enforcement officers and responded to questions from the commission regarding proprietorial jurisdiction.

Rep. Ivory requested that staff research proprietorial interest in federal land within county boundaries and whether at any point the state has formally ceded jurisdiction to the federal government.

The commission discussed inviting representatives from federal agencies to share their perspective and concerns regarding jurisdictional issues at a future meeting.

Mr. Phil Lyman, San Juan County Commissioner, addressed the commission regarding the importance of access to public space. Commissioner Lyman discussed state road closures imposed by the BLM and expressed concern about the effect federal policies have on rural traditions in Utah. In response to a question from Rep. Ivory, Commissioner Lyman stated that the health and productivity of, as well as access to, the public lands in San Juan County have been adversely affected by the increased presence of the federal government.

Mr. Rick Eldredge, Sheriff, San Juan County, expressed concern with the manner in which federal land management agencies, including the United States Forest Service and the BLM, enforce the law in Utah. In response to Rep. Ivory's question, Sheriff Eldredge echoed Commissioner Lyman that the health and productivity of, as well as access to, the public lands in San Juan County have been adversely affected by the increased presence of the federal government.

Commissioner Pollock commented, in response to Rep. Ivory's question, that access to public lands in Garfield County, as well as the health and productivity of the land, has diminished over the past several decades as the role of the federal government in managing the land has increased.

Speaker Lockhart requested that staff research and report on when federal land management agencies began using their own law enforcement officers on federal land.

Mr. Mark Ward, Senior Public Policy Analyst, Utah Association of Counties, explained that there is an overpopulation of wild horses and burros on BLM lands. He explained that under legislation being considered by the United States Congress, states may be allowed to manage their wild horse and burro populations pursuant to the Wild Free-Roaming Horses and Burros Act. He recommended that the Legislature pass legislation indicating Utah's willingness to manage its wild horse and burro population and take that jurisdiction back from the BLM. He responded to questions from the commission.

Chair Niederhauser asked Speaker Lockhart to conduct the remainder of the meeting.

3. Continuing Education on Federalism Curriculum – Request for Proposals

Mr. Rees explained that the Request for Proposals (RFP) work group has met and determined general parameters for an RFP to create a curriculum for the Continuing Education on Federalism seminar. He noted that work group members are in the process of reviewing and making changes to a draft RFP. He stated that the Legislative Management Committee will need to authorize the issuance of the commission's RFP. He responded to questions from the commission.

Rep. Ivory commended Mr. Rees for his work on the draft RFP and commented on the need to move quickly in order to implement the curriculum.

Rep. Snow commented that the RFP should give the commission discretion to evaluate any potential curriculum before it is implemented and he discussed timetables that should be built into the RFP.

Chair Lockhart advised that the draft RFP should be ready to approve in the next meeting of the commission in order for the Legislative Management Committee to grant final approval in its October meeting.

4. Update on letters received from state agencies

Mr. Howe referred the commission to "June 27, 2014 letter to Utah state agencies from the Commission on Federalism." He explained that, so far, only four of the 23 state agencies that were requested to provide input on federalism have responded.

Chair Lockhart requested that staff follow up with those agencies that have yet to respond.

5. Other Items / Adjourn

MOTION: Sen. Madsen moved to adjourn the meeting. The motion passed unanimously. Pres. Niederhauser was absent for the vote.

Chair Lockhart adjourned the meeting at 5:28 p.m.