

H.B. 146

LAW ENFORCEMENT BY FEDERAL LAND MANAGEMENT AGENCY

HOUSE FLOOR AMENDMENTS

AMENDMENT 1

MARCH 2, 2010 2:15 PM

Representative **Michael E. Noel** proposes the following amendments:

1. *Page 1, Line 14:*

- 14 ▶ defines federally managed land ;
▶ defines federal employee as a person who works for an agency that manages federal land;
▶ defines federal agency as an agency that manages federal land ;

2. *Page 1, Line 18:*

- 18 ▶ provides that Utah does not recognize federal ~~{law enforcement}~~ agency authority beyond

3. *Page 1, Lines 20 through 21:*

- 20 ▶ provides that Utah does not authorize federal ~~{law}~~ enforcement action or prosecution
21 based on Utah law , except as authorized by this bill and state statute ;

4. *Page 1, Line 24 through Page 2, Line 34:*

- 24 ▶ provides that agreements with ~~{the}~~ a federal ~~{law enforcement}~~ agency may not
be for
25 longer than ~~{one year}~~ two years ;
26 ▶ provides that state and local law enforcement agencies may not allow federal ~~{law~~
27 ~~enforcement}~~ agencies to use state or local resources without the written consent of
28 the head of the state or local law enforcement agency; and
29 ▶ requires the county sheriff to review the activities of any federal ~~{law}~~ enforcement
30 agency within the county and report to the county attorney ~~{;and~~
31 ~~authorizes the attorney general and county and district attorneys to prosecute federal~~
32 ~~law enforcement employees for acting:~~
33 ~~• beyond the scope of federal law; or~~
34 ~~• if the federal law is not consistent with the Constitution of the United States} .~~

5. *Page 4, Line 96:*

- 96 (1) As used in this section ~~{,"federally"}~~ ;
(a) "Federal agency" means a federal agency that manages federally managed land.
(b) "Federal employee" means an employee of:

- (i) the Bureau of Land Management;
- (ii) the United States Forest Service; or
- (iii) the National Park Service; and
- (b) "Federally managed land" means land managed by the

6. Page 4, Lines 108 through 110:

108 (3) ~~{(a)}~~ Utah does not authorize federal employees to exercise law enforcement powers
109 to enforce the laws of Utah, either on or off federally managed land ~~{~~
110 ~~——(b) This Subsection (3) takes precedence over any other Utah law.}~~ except as authorized under
this section or other provision of state statute.

7. Page 5, Line 137:

137 unless the agreements are limited to a term not to exceed ~~{one year}~~ two years .

8. Page 5, Lines 144 through 149:

144 ~~{(c) The Utah Attorney General and county and district attorneys are authorized to~~
145 ~~prosecute federal employees under state law governing the unauthorized exercise of law~~
146 ~~enforcement powers when the federal employees are found to be exercising law enforcement~~
147 ~~powers:~~
148 ~~——(i) that exceed those authorized by federal law; and~~
149 ~~——(ii) that are not consistent with the Constitution of the United States.}~~