

# 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. }~~