

# H.B. 146

## LAW ENFORCEMENT BY FEDERAL LAND MANAGEMENT AGENCY

HOUSE FLOOR AMENDMENTS

AMENDMENT 2

MARCH 2, 2010 2:46 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 ;

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
- (c) "Federally managed land" means land managed by the

6. Page 4, Lines 98 through 100:

98            ~~{(a)}~~    (i)    Bureau of Land Management;  
99            ~~{(b)}~~    (ii)    United States Forest Service; and  
100           ~~{(c)}~~    (iii)    the National Park Service.

7. 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 provisions of state statute.

8. Page 5, Line 137:

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

9. 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.}~~