

REFERENCE TITLE: transfer of public lands compact

State of Arizona  
House of Representatives  
Fifty-second Legislature  
First Regular Session  
2015

# HB 2318

Introduced by  
Representatives Barton, Finchem: Bowers, Thorpe

AN ACT

AMENDING TITLE 37, CHAPTER 5, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2;  
RELATING TO THE INTERSTATE COMPACT ON THE TRANSFER OF PUBLIC LANDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 37, chapter 5, Arizona Revised Statutes, is amended  
3 by adding article 2, to read:

4 ARTICLE 2. INTERSTATE COMPACT ON THE TRANSFER OF PUBLIC LANDS  
5 37-921. Adoption and text of interstate compact on the transfer  
6 of public lands

7 THE INTERSTATE COMPACT ON THE TRANSFER OF PUBLIC LANDS IS ADOPTED AND  
8 ENACTED AS FOLLOWS:

9 INTERSTATE COMPACT ON THE TRANSFER OF PUBLIC LANDS

10 WHEREAS, THE SEPARATION OF POWERS, BOTH BETWEEN THE BRANCHES OF THE  
11 FEDERAL GOVERNMENT AND BETWEEN FEDERAL AND STATE AUTHORITY, IS ESSENTIAL TO  
12 THE PRESERVATION OF INDIVIDUAL LIBERTY;

13 WHEREAS, THE CONSTITUTION OF THE UNITED STATES CREATES A FEDERAL  
14 GOVERNMENT OF LIMITED AND ENUMERATED POWERS AND RESERVES TO THE STATES OR TO  
15 THE PEOPLE THOSE POWERS NOT EXPRESSLY GRANTED TO THE FEDERAL GOVERNMENT TO  
16 PROTECT THE LIBERTY OF INDIVIDUAL PROPERTY INCIDENTAL TO THE SOVEREIGNTY AND  
17 HEALTH, SAFETY AND WELFARE OF ITS CITIZENS;

18 WHEREAS, EACH STATE ADOPTING AND AGREEING TO BE BOUND BY THIS COMPACT  
19 FINDS THAT THE COORDINATED, REGULAR, INSTITUTIONAL EXERCISE OF ITS SOVEREIGN  
20 POWER UNDER ITS RESPECTIVE CONSTITUTION AND THE CONSTITUTION OF THE UNITED  
21 STATES IS AN ESSENTIAL COMPONENT OF THE GOVERNING PARTNERSHIP BETWEEN THE  
22 STATES AND THE FEDERAL GOVERNMENT;

23 NOW, THEREFORE, THE STATES HERETO RESOLVE AND, BY THE ADOPTION INTO LAW  
24 UNDER THEIR RESPECTIVE STATE CONSTITUTIONS OF THIS INTERSTATE COMPACT ON THE  
25 TRANSFER OF PUBLIC LANDS, AGREE, AS FOLLOWS:

26 SECTION 1. DEFINITIONS

27 AS USED IN THIS ARTICLE, UNLESS THE CONTEXT CLEARLY INDICATES  
28 OTHERWISE:

29 1. "ASSOCIATE MEMBER STATE" MEANS ANY STATE THAT IS NOT A MEMBER  
30 STATE.

31 2. "COMPACT" MEANS THE INTERSTATE COMPACT ON THE TRANSFER OF PUBLIC  
32 LANDS.

33 3. "COMPACT ADMINISTRATOR" MEANS THE PERSON WHO IS SELECTED BY THE  
34 COMPACT COMMISSION TO STAFF THE COMPACT COMMISSION AND WHOSE DUTIES, POWERS  
35 AND TENURE ARE ONLY THOSE APPROVED BY THE COMMISSION.

36 4. "COMPACT COMMISSION" MEANS THE ENTITY COMPOSED OF MEMBER STATE  
37 REPRESENTATIVES WHO WILL ADMINISTER THE COMPACT.

38 5. "COMPACT NOTICE RECIPIENT" MEANS THE ARCHIVIST OF THE UNITED  
39 STATES, THE PRESIDENT OF THE UNITED STATES, THE OFFICE OF THE SECRETARY OF  
40 THE UNITED STATES SENATE, THE MAJORITY LEADER OF THE UNITED STATES SENATE,  
41 THE SPEAKER OF THE UNITED STATES HOUSE OF REPRESENTATIVES, THE OFFICE OF THE  
42 CLERK OF THE UNITED STATES HOUSE OF REPRESENTATIVES, THE CHIEF EXECUTIVE OF  
43 EACH STATE AND THE PRESIDING OFFICER OF EACH CHAMBER OF THE LEGISLATURE OF  
44 EACH STATE.

1           6. "MEMBER STATE" MEANS ANY OF THE FOLLOWING STATES THAT ARE A  
2 SIGNATORY TO THE COMPACT AND THAT HAVE ADOPTED IT UNDER THE LAWS OF THAT  
3 STATE: ALASKA, ARIZONA, CALIFORNIA, COLORADO, IDAHO, MONTANA, NEVADA, NEW  
4 MEXICO, OREGON, UTAH, WASHINGTON AND WYOMING.

5                   SECTION 2. PURPOSE OF THE COMPACT AND COMMISSION

6           THE PURPOSE OF THE COMPACT AND THE COMMISSION IS TO STUDY, COLLECT DATA  
7 AND DEVELOP POLITICAL AND LEGAL MECHANISMS FOR SECURING THE TRANSFER TO THE  
8 RESPECTIVE MEMBER STATES OF CERTAIN SPECIALLY IDENTIFIED FEDERALLY CONTROLLED  
9 PUBLIC LANDS WITHIN THE RESPECTIVE MEMBER STATE BOUNDARIES.

10                   SECTION 3. COMPACT COMMISSION AND COMPACT ADMINISTRATOR

11           A. THE COMPACT COMMISSION IS HEREBY ESTABLISHED AND HAS THE POWERS AND  
12 DUTIES AS FOLLOWS:

13           1. ELECT, BY MAJORITY VOTE, A CHAIR AND COCHAIR FROM AMONG THE  
14 COMPACT'S MEMBERS, WHO SHALL SERVE A TERM OF OFFICE OF TWO YEARS AND MAY  
15 SERVE NO MORE THAN TWO TERMS AS CHAIR OR COCHAIR.

16           2. APPOINT A COMPACT ADMINISTRATOR WHO SHALL REPORT TO THE CHAIR AND  
17 THE COCHAIR.

18           3. REQUEST AND DISBURSE FUNDS FOR THE OPERATION OF THE COMPACT  
19 COMMISSION.

20           4. ALLOW THE COMPACT COMMISSION TO SEEK STAFF AND RESEARCH ASSISTANCE  
21 FROM NONPROFIT ORGANIZATIONS.

22           5. ADOPT PARLIAMENTARY PROCEDURES AND PUBLIC BYLAWS CONSISTENT WITH  
23 MEMBER STATES.

24           6. RECEIVE, EVALUATE AND RESPOND TO INPUT FROM COMPACT COMMISSION  
25 MEMBERS REGARDING ACTIONS TAKEN BY THE FEDERAL GOVERNMENT THAT INTERFERE WITH  
26 THE:

27           (a) POWERS RESERVED TO THE STATE.

28           (b) REGULATION OF REAL PROPERTY, INCLUDING LAND TITLES, USES AND  
29 TRANSFERS.

30           (c) REGULATION OF AGRICULTURE AND NONAGRICULTURE BUSINESSES THAT DO  
31 NOT ENGAGE IN INTERSTATE COMMERCE.

32           (d) JURISDICTION FOR THE HEALTH, SAFETY AND WELFARE OF THE STATE'S  
33 RESIDENTS.

34           7. KEEP AND PUBLISH MINUTES OF COMPACT COMMISSION MEETINGS AND RECORDS  
35 OF THE COMPACT ADMINISTRATOR, BOTH OF WHICH SHALL BE CONSIDERED PUBLIC  
36 RECORDS AND AVAILABLE ON REQUEST BY THE PUBLIC.

37           8. PREPARE AN ANNUAL REPORT OF THE COMPACT COMMISSION'S ACTIVITIES FOR  
38 MEMBER AND ASSOCIATE MEMBER STATES.

39           B. THE COMPACT ADMINISTRATOR SHALL STAFF THE COMPACT COMMISSION,  
40 PERFORM DUTIES AND EXERCISE POWERS AS GRANTED BY THE COMMISSION, OR AS  
41 DIRECTED BY THE CHAIR OR COCHAIR.

42           C. A MAJORITY OF THE MEMBER STATE REPRESENTATIVES PRESENT AT A COMPACT  
43 COMMISSION MEETING CONSTITUTES A QUORUM AND AN ACTION OF THE QUORUM  
44 CONSTITUTES AN ACTION OF THE COMPACT COMMISSION. EACH MEMBER STATE SHALL  
45 HAVE ONE OFFICIAL REPRESENTATIVE WHO SHALL HAVE ONE VOTE.

1 D. THE COMPACT COMMISSION MAY NOT TAKE ANY ACTION WITHIN A MEMBER OR  
2 ASSOCIATE MEMBER STATE THAT CONTRAVENES ANY STATE LAW OF THAT MEMBER OR  
3 ASSOCIATE MEMBER STATE.

4 SECTION 4. COMPACT MEMBERSHIP AND WITHDRAWAL

5 A. EACH MEMBER AND ASSOCIATE MEMBER STATE AGREES TO PERFORM AND COMPLY  
6 IN ACCORDANCE WITH THE TERMS OF MEMBERSHIP OF THIS COMPACT CONSISTENT WITH  
7 THE CONSTITUTION AND LAWS OF THE MEMBER OR ASSOCIATE MEMBER STATE. ACTIONS  
8 BY MEMBERS OF THE COMPACT, FOR THE PURPOSE FOR WHICH IT WAS CREATED, ARE  
9 BASED ON THE MUTUAL PARTICIPATION, RELIANCE AND RECIPROCAL PERFORMANCE IN  
10 AGREEING TO ENACT THIS COMPACT INTO LAW.

11 B. A STATE ENACTING THIS COMPACT INTO LAW SHALL APPOINT ONE OFFICIAL  
12 REPRESENTATIVE TO THE COMPACT COMMISSION AND SHALL PROVIDE TO THE COMPACT  
13 COMMISSION A LETTER OF THAT REPRESENTATIVE'S APPOINTMENT. A COPY OF THE  
14 LETTER OF APPOINTMENT WITH A GOVERNMENT-ISSUED PHOTO IDENTITY CARD SHALL  
15 CONSTITUTE PROOF OF MEMBERSHIP ON THE COMPACT COMMISSION.

16 C. FOR VOTING PURPOSES, ONLY A MEMBER STATE REPRESENTATIVE MAY VOTE  
17 AND EACH MEMBER STATE MAY HAVE ONLY ONE VOTE.

18 D. A MEMBER OR ASSOCIATE MEMBER STATE MAY WITHDRAW FROM THIS COMPACT  
19 BY ENACTING LEGISLATION AND GIVING NOTICE OF THE ENACTED WITHDRAWAL  
20 LEGISLATION TO THE COMPACT ADMINISTRATOR. NO SUCH WITHDRAWAL SHALL TAKE  
21 EFFECT UNTIL SIX MONTHS FOLLOWING THE ENACTMENT OF WITHDRAWAL LEGISLATION,  
22 AND A WITHDRAWING STATE IS LIABLE FOR ANY OBLIGATIONS THAT IT MAY HAVE  
23 INCURRED PRIOR TO THE DATE ON WHICH ITS WITHDRAWAL LEGISLATION BECOMES  
24 EFFECTIVE.

25 SECTION 5. ADOPTION OF COMPACT

26 ON A STATE ADOPTING THE COMPACT AND NOTIFYING THE COMPACT  
27 ADMINISTRATOR, THE ADMINISTRATOR SHALL NOTIFY ALL OTHER MEMBER STATES OF THE  
28 ADOPTION BY SENDING AN UPDATED CERTIFIED OF THE COMPACT WITH THE NEW ADOPTEE  
29 STATE LISTED.

30 SECTION 6. COMMISSION MEETINGS

31 A. THE INITIAL MEETING OF THE COMPACT COMMISSION SHALL BE WITHIN  
32 NINETY DAYS AFTER THE COMPACT IS ENACTED BY TWO OR MORE STATES. THE OFFICIAL  
33 REPRESENTATIVES OF THE ENACTING STATES SHALL DETERMINE THE DATE, TIME AND  
34 LOCATION OF THE INITIAL MEETING AND PUBLISH THAT INFORMATION IN THEIR  
35 RESPECTIVE STATES IN A MANNER CONSISTENT WITH THE LAWS OF THOSE STATES FOR  
36 POSTING NOTIFICATIONS AND AGENDAS OF PUBLIC MEETINGS. AT THE INITIAL  
37 MEETING, THOSE OFFICIAL REPRESENTATIVES SHALL ELECT A CHAIR AND COCHAIR AS  
38 PROVIDED IN SECTION 4 OF THIS COMPACT AND APPOINT A COMPACT ADMINISTRATOR.  
39 THE COMPACT ADMINISTRATOR, AS DIRECTED BY THE COMPACT COMMISSION CHAIRS AND  
40 AS PROVIDED IN THE COMPACT, SHALL ORGANIZE THE COMPACT COMMISSION'S  
41 ACTIVITIES.

42 B. FOLLOWING THE COMPACT COMMISSION'S INITIAL MEETING, THE COMPACT  
43 COMMISSION SHALL MEET AT LEAST ONE TIME PER YEAR. NO MEETING SHALL CONTINUE  
44 LONGER THAN THREE CONSECUTIVE DAYS.

1 C. SPECIAL MEETINGS MAY BE CALLED IF ONE-HALF OR MORE OF THE MEMBER  
2 STATES NOTIFY THE CHAIR OF THE COMPACT COMMISSION IN WRITING OF THE REQUEST  
3 FOR A MEETING. ATTENDANCE AT THE MEETING MAY BE IN PERSON OR BY ELECTRONIC  
4 MEANS. NO MEETING SHALL CONTINUE LONGER THAN THREE CONSECUTIVE DAYS.

5 D. MEETINGS SHALL BE RECORDED, AND THE RECORDING AND MINUTES OF THE  
6 MEETING SHALL BE MADE AVAILABLE TO THE PUBLIC WITHIN THIRTY DAYS AFTER THE  
7 MEETING. MEETINGS CLOSED TO THE PUBLIC ARE NOT PERMITTED EXCEPT WHERE  
8 PROVIDED BY LAW IN THE STATE IN WHICH THE MEETING IS HELD.

9 SECTION 7. FUNDING

10 THE ACTIVITIES OF THE COMPACT COMMISSION AND COMPACT ADMINISTRATOR  
11 SHALL BE FUNDED EXCLUSIVELY BY EACH MEMBER AND ASSOCIATE MEMBER STATE, AS  
12 PERMITTED BY THE LAWS OF THOSE STATES, OR BY VOLUNTARY DONATIONS. RECORDS  
13 SHALL BE KEPT OF ALL FUNDING AND DISBURSEMENTS, AND THAT INFORMATION SHALL BE  
14 AVAILABLE WITHIN THIRTY DAYS ON REQUEST BY A COMPACT COMMISSION MEMBER, OR BY  
15 A MEMBER STATE OR ASSOCIATE MEMBER STATE.

16 SECTION 8. COOPERATION

17 THE COMPACT COMMISSION, MEMBER STATES, ASSOCIATE MEMBER STATES AND  
18 COMPACT ADMINISTRATOR SHALL COOPERATE AND OFFER MUTUAL ASSISTANCE WITH EACH  
19 OTHER IN ENFORCING THE TERMS OF THE COMPACT FOR SECURING THE TRANSFER OF  
20 TITLE TO FEDERALLY CONTROLLED PUBLIC LANDS TO WILLING WESTERN STATES.

21 SECTION 9. DECLARATION OF INTERSTATE COMPACT ON THE TRANSFER OF  
22 PUBLIC LANDS GOALS

23 A. MEMBER STATES, IN ORDER TO RESTORE, PROTECT AND PROMOTE STATE  
24 SOVEREIGNTY AND THE HEALTH, SAFETY AND WELFARE OF THEIR CITIZENS, SHALL:

25 1. DEVELOP AND DRAFT MODEL UNIFORM LEGISLATION FOR MEMBER STATES TO  
26 ADOPT IN SECURING SOVEREIGNTY AND JURISDICTION OVER FEDERAL LANDS WITHIN THE  
27 RESPECTIVE MEMBER STATE BOUNDARIES.

28 2. DEVELOP AND DRAFT MODEL UNIFORM LEGISLATION FOR MEMBER STATES TO  
29 SEND TO THEIR FEDERAL DELEGATION FOR INTRODUCTION IN CONGRESS FOR THE  
30 TRANSFER OF FEDERALLY CONTROLLED PUBLIC LANDS TO THE RESPECTIVE MEMBER STATE  
31 GOVERNMENTS.

32 3. DEVELOP LEGAL STRATEGIES FOR SECURING STATE SOVEREIGNTY AND  
33 JURISDICTION OVER FEDERALLY CONTROLLED PUBLIC LANDS WITHIN MEMBER STATE  
34 BOUNDARIES.

35 B. THE COMPACT GOALS IN SUBSECTION A OF THIS SECTION TAKE EFFECT WHEN:

36 1. TWO STATES HAVE BECOME MEMBER STATES AND ADOPTED THE TERMS IN  
37 LEGISLATION.

38 2. CONGRESS VOTES TO CONSENT TO THE TERMS OF THIS COMPACT UNDER UNITED  
39 STATES CONSTITUTION ARTICLE I, SECTION 10.