

REFERENCE TITLE: transfer of public lands; compact

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

# HB 2644

Introduced by  
Representatives Barton, Thorpe: Mitchell

AN ACT

AMENDING TITLE 37, CHAPTER 5, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 3;  
RELATING TO 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 3, to read:

4 ARTICLE 3. INTERSTATE COMPACT ON THE  
5 TRANSFER OF PUBLIC LANDS

6 37-941. Adoption and text of interstate compact on the transfer  
7 of public lands

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

10 INTERSTATE COMPACT ON THE TRANSFER OF PUBLIC LANDS

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

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

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

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

27 SECTION 1. DEFINITIONS

28 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

42 SECTION 2. PURPOSE OF THE COMPACT AND COMMISSION

43 THE PURPOSE OF THE COMPACT AND THE COMPACT COMMISSION IS TO STUDY,  
44 COLLECT DATA AND DEVELOP POLITICAL AND LEGAL MECHANISMS FOR SECURING THE  
45 TRANSFER TO THE RESPECTIVE MEMBER STATES OF CERTAIN SPECIALLY IDENTIFIED

1 FEDERALLY CONTROLLED PUBLIC LANDS WITHIN THE RESPECTIVE MEMBER STATE  
2 BOUNDARIES.

3 SECTION 3. COMPACT COMMISSION AND COMPACT ADMINISTRATOR

4 A. THE COMPACT COMMISSION IS HEREBY ESTABLISHED AND HAS THE POWERS AND  
5 DUTIES AS FOLLOWS:

6 1. ELECT, BY MAJORITY VOTE, A CHAIRPERSON AND VICE CHAIRPERSON FROM  
7 AMONG THE COMPACT'S MEMBERS, WHO SHALL SERVE A TERM OF OFFICE OF TWO YEARS  
8 AND MAY SERVE NO MORE THAN TWO TERMS AS CHAIRPERSON OR VICE CHAIRPERSON.

9 2. APPOINT A COMPACT ADMINISTRATOR WHO SHALL REPORT TO THE CHAIRPERSON  
10 AND THE VICE CHAIRPERSON.

11 3. REQUEST AND DISBURSE FUNDS FOR THE OPERATION OF THE COMPACT  
12 COMMISSION.

13 4. ALLOW THE COMPACT COMMISSION TO SEEK STAFF AND RESEARCH ASSISTANCE  
14 FROM NONPROFIT ORGANIZATIONS.

15 5. ADOPT PARLIAMENTARY PROCEDURES AND PUBLIC BYLAWS CONSISTENT WITH  
16 MEMBER STATES.

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

20 (a) POWERS RESERVED TO THE STATE.

21 (b) REGULATION OF REAL PROPERTY, INCLUDING LAND TITLES, USES AND  
22 TRANSFERS.

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

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

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

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

32 B. THE COMPACT ADMINISTRATOR SHALL STAFF THE COMPACT COMMISSION,  
33 PERFORM DUTIES AND EXERCISE POWERS AS GRANTED BY THE COMMISSION, OR AS  
34 DIRECTED BY THE CHAIRPERSON OR VICE CHAIRPERSON.

35 C. A MAJORITY OF THE MEMBER STATE REPRESENTATIVES PRESENT AT A COMPACT  
36 COMMISSION MEETING CONSTITUTES A QUORUM AND AN ACTION OF THE QUORUM  
37 CONSTITUTES AN ACTION OF THE COMPACT COMMISSION. EACH MEMBER STATE SHALL  
38 HAVE ONE OFFICIAL REPRESENTATIVE WHO SHALL HAVE ONE VOTE.

39 D. THE COMPACT COMMISSION MAY NOT TAKE ANY ACTION WITHIN A MEMBER OR  
40 ASSOCIATE MEMBER STATE THAT CONTRAVENES ANY STATE LAW OF THAT MEMBER OR  
41 ASSOCIATE MEMBER STATE.

42 SECTION 4. COMPACT MEMBERSHIP AND WITHDRAWAL

43 A. EACH MEMBER AND ASSOCIATE MEMBER STATE AGREES TO PERFORM AND COMPLY  
44 IN ACCORDANCE WITH THE TERMS OF MEMBERSHIP OF THIS COMPACT CONSISTENT WITH  
45 THE CONSTITUTION AND LAWS OF THE MEMBER OR ASSOCIATE MEMBER STATE. ACTIONS

1 BY MEMBERS OF THE COMPACT, FOR THE PURPOSE FOR WHICH IT WAS CREATED, ARE  
2 BASED ON THE MUTUAL PARTICIPATION, RELIANCE AND RECIPROCAL PERFORMANCE IN  
3 AGREEING TO ENACT THIS COMPACT INTO LAW.

4 B. A STATE ENACTING THIS COMPACT INTO LAW SHALL APPOINT ONE OFFICIAL  
5 REPRESENTATIVE TO THE COMPACT COMMISSION AND SHALL PROVIDE TO THE COMPACT  
6 COMMISSION A LETTER OF THAT REPRESENTATIVE'S APPOINTMENT. A COPY OF THE  
7 LETTER OF APPOINTMENT WITH A GOVERNMENT-ISSUED PHOTO IDENTITY CARD SHALL  
8 CONSTITUTE PROOF OF MEMBERSHIP ON THE COMPACT COMMISSION.

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

11 D. A MEMBER OR ASSOCIATE MEMBER STATE MAY WITHDRAW FROM THIS COMPACT  
12 BY ENACTING LEGISLATION AND GIVING NOTICE OF THE ENACTED WITHDRAWAL  
13 LEGISLATION TO THE COMPACT ADMINISTRATOR. NO SUCH WITHDRAWAL SHALL TAKE  
14 EFFECT UNTIL SIX MONTHS FOLLOWING THE ENACTMENT OF WITHDRAWAL LEGISLATION,  
15 AND A WITHDRAWING STATE IS LIABLE FOR ANY OBLIGATIONS THAT IT MAY HAVE  
16 INCURRED PRIOR TO THE DATE ON WHICH ITS WITHDRAWAL LEGISLATION BECOMES  
17 EFFECTIVE.

18 SECTION 5. ADOPTION OF COMPACT

19 ON A STATE ADOPTING THE COMPACT AND NOTIFYING THE COMPACT  
20 ADMINISTRATOR, THE ADMINISTRATOR SHALL NOTIFY ALL OTHER MEMBER STATES OF THE  
21 ADOPTION BY SENDING AN UPDATED CERTIFIED COPY OF THE COMPACT WITH THE NEW  
22 ADOPTEE STATE LISTED.

23 SECTION 6. COMMISSION MEETINGS

24 A. THE INITIAL MEETING OF THE COMPACT COMMISSION SHALL BE WITHIN  
25 NINETY DAYS AFTER THE COMPACT IS ENACTED BY TWO OR MORE STATES. THE OFFICIAL  
26 REPRESENTATIVES OF THE ENACTING STATES SHALL DETERMINE THE DATE, TIME AND  
27 LOCATION OF THE INITIAL MEETING AND PUBLISH THAT INFORMATION IN THEIR  
28 RESPECTIVE STATES IN A MANNER CONSISTENT WITH THE LAWS OF THOSE STATES FOR  
29 POSTING NOTIFICATIONS AND AGENDAS OF PUBLIC MEETINGS. AT THE INITIAL  
30 MEETING, THOSE OFFICIAL REPRESENTATIVES SHALL ELECT A CHAIRPERSON AND VICE  
31 CHAIRPERSON AS PROVIDED IN SECTION 3 OF THIS COMPACT AND APPOINT A COMPACT  
32 ADMINISTRATOR. THE COMPACT ADMINISTRATOR, AS DIRECTED BY THE COMPACT  
33 COMMISSION CHAIRPERSONS AND AS PROVIDED IN THE COMPACT, SHALL ORGANIZE THE  
34 COMPACT COMMISSION'S ACTIVITIES.

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

38 C. SPECIAL MEETINGS MAY BE CALLED IF ONE-HALF OR MORE OF THE MEMBER  
39 STATES NOTIFY THE CHAIRPERSON OF THE COMPACT COMMISSION IN WRITING OF THE  
40 REQUEST FOR A MEETING. ATTENDANCE AT THE MEETING MAY BE IN PERSON OR BY  
41 ELECTRONIC MEANS.

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

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SECTION 7. FUNDING

A. THE COMPACT COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT OF, THE REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION AND ONGOING ACTIVITIES.

B. THE COMPACT COMMISSION MAY ACCEPT ANY APPROPRIATE REVENUE SOURCES, DONATIONS AND GRANTS OF MONEY, EQUIPMENT, SUPPLIES, MATERIALS AND SERVICES.

C. THE COMPACT COMMISSION, IN ACCORDANCE WITH SUBSECTIONS D AND E OF THIS SECTION, MAY LEVY ON AND COLLECT AN ANNUAL ASSESSMENT FROM EACH MEMBER STATE OR IMPOSE FEES ON OTHER PARTIES TO COVER THE COST OF THE OPERATIONS AND ACTIVITIES OF THE COMPACT COMMISSION AND THE COMPACT COMMISSION'S STAFF THAT MUST BE IN A TOTAL AMOUNT SUFFICIENT TO COVER THE COMPACT COMMISSION'S ANNUAL BUDGET AS APPROVED EACH YEAR FOR WHICH REVENUE IS NOT PROVIDED BY OTHER SOURCES.

D. THE COMPACT COMMISSION MAY NOT LEVY AND COLLECT AN ANNUAL ASSESSMENT AGAINST A MEMBER STATE IF THE MEMBER STATE:

1. VOTES AGAINST THE ANNUAL ASSESSMENT.
2. WAS ABSENT FROM THE COMPACT COMMISSION MEETING DURING WHICH THE COMPACT COMMISSION VOTED TO APPROVE THE ANNUAL ASSESSMENT.
3. WITHIN SIXTY DAYS AFTER THE VOTE TO IMPOSE THE ANNUAL ASSESSMENT, NOTIFIES THE COMPACT COMMISSION IN WRITING THAT THE MEMBER STATE DOES NOT CONSENT TO THE LEVY OF THE ANNUAL ASSESSMENT.

E. THE AGGREGATE ANNUAL ASSESSMENT AMOUNT SHALL BE ALLOCATED BASED ON A FORMULA TO BE DETERMINED BY THE COMPACT COMMISSION, WHICH SHALL ADOPT A RULE THAT IS BINDING ON ALL MEMBER STATES.

F. THE COMPACT COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY KIND BEFORE SECURING THE FUNDS ADEQUATE TO MEET THE OBLIGATION, NOR SHALL THE COMPACT COMMISSION PLEDGE THE CREDIT OF ANY OF THE MEMBER STATES, EXCEPT BY AND WITH THE AUTHORITY OF THE MEMBER STATE.

G. THE COMPACT COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL RECEIPTS AND DISBURSEMENTS, AND THAT INFORMATION SHALL BE AVAILABLE WITHIN THIRTY DAYS ON REQUEST BY A COMPACT COMMISSION MEMBER OR BY A MEMBER STATE OR ASSOCIATE MEMBER STATE. ALL RECEIPTS AND DISBURSEMENTS OF FUNDS HANDLED BY THE COMPACT COMMISSION SHALL BE AUDITED YEARLY BY A CERTIFIED OR LICENSED PUBLIC ACCOUNTANT, AND THE REPORT OF THE AUDIT SHALL BE INCLUDED IN THE ANNUAL REPORT OF THE COMMISSION.

SECTION 8. COOPERATION

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

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

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

1           1. DEVELOP AND DRAFT MODEL UNIFORM LEGISLATION FOR MEMBER STATES TO  
2 ADOPT IN SECURING SOVEREIGNTY AND JURISDICTION OVER FEDERAL LANDS WITHIN THE  
3 RESPECTIVE MEMBER STATE BOUNDARIES.  
4           2. DEVELOP AND DRAFT MODEL UNIFORM LEGISLATION FOR MEMBER STATES TO  
5 SEND TO THEIR FEDERAL DELEGATION FOR INTRODUCTION IN CONGRESS FOR THE  
6 TRANSFER OF FEDERALLY CONTROLLED PUBLIC LANDS TO THE RESPECTIVE MEMBER STATE  
7 GOVERNMENTS.  
8           3. DEVELOP LEGAL STRATEGIES FOR SECURING STATE SOVEREIGNTY AND  
9 JURISDICTION OVER FEDERALLY CONTROLLED PUBLIC LANDS WITHIN MEMBER STATE  
10 BOUNDARIES.  
11           B. THE COMPACT GOALS IN SUBSECTION A OF THIS SECTION TAKE EFFECT WHEN:  
12           1. TWO STATES HAVE BECOME MEMBER STATES AND ADOPTED THE TERMS IN  
13 LEGISLATION.  
14           2. CONGRESS VOTES TO CONSENT TO THE TERMS OF THIS COMPACT UNDER UNITED  
15 STATES CONSTITUTION ARTICLE I, SECTION 10.  
16           37-942. Administration of compact; appointment of official  
17 representative  
18           A. THE STATE LAND DEPARTMENT IS DESIGNATED AS THE AGENCY RESPONSIBLE  
19 FOR PERFORMING ANY ADMINISTRATIVE DUTIES ASSIGNED TO THIS STATE BY THE  
20 COMPACT COMMISSION.  
21           B. THE GOVERNOR SHALL APPOINT THE OFFICIAL REPRESENTATIVE OF THIS  
22 STATE TO THE COMPACT COMMISSION PURSUANT TO SECTION 38-211.  
23           C. THE QUALIFICATIONS OF CANDIDATES FOR APPOINTMENT AS THE OFFICIAL  
24 REPRESENTATIVE OF THIS STATE TO THE COMPACT COMMISSION SHALL BE REVIEWED BY A  
25 COMMITTEE CONSISTING OF THE FOLLOWING MEMBERS WHO ARE APPOINTED BY THE  
26 SPEAKER OF THE HOUSE OF REPRESENTATIVES:  
27           1. ONE MEMBER WHO HAS EXPERIENCE IN FORESTRY.  
28           2. ONE MEMBER WHO HAS EXPERIENCE IN RANCHING AND GRAZING.  
29           3. ONE MEMBER WHO IS A MEMBER OF THE STATE BAR OF ARIZONA AND WHO HAS  
30 EXPERIENCE IN A PRACTICE AREA INVOLVING NATURAL RESOURCES.  
31           4. ONE MEMBER WHO HAS EXPERIENCE IN LAND MANAGEMENT.  
32           5. ONE MEMBER WHO HAS EXPERIENCE IN MINING.  
33           6. ONE MEMBER WHO HAS LEGISLATIVE EXPERIENCE.  
34           7. ONE MEMBER WHO REPRESENTS A CONSERVATION ORGANIZATION.  
35           8. ONE MEMBER WHO REPRESENTS AN IRRIGATION AND WATER CONSERVATION  
36 DISTRICT ESTABLISHED PURSUANT TO TITLE 48, CHAPTER 19 OR AN IRRIGATION WATER  
37 DELIVERY DISTRICT ESTABLISHED PURSUANT TO TITLE 48, CHAPTER 20.  
38           9. ONE MEMBER WHO REPRESENTS A NATURAL RESOURCE CONSERVATION DISTRICT  
39 ESTABLISHED PURSUANT TO CHAPTER 6 OF THIS TITLE.  
40           D. THE COMMITTEE SHALL SUBMIT TO THE GOVERNOR AT LEAST THREE NAMES BUT  
41 NOT MORE THAN FIVE NAMES OF THE MOST QUALIFIED CANDIDATES FOR APPOINTMENT.  
42           E. A NEW COMMITTEE SHALL BE APPOINTED FOR EACH VACANCY IN THE POSITION  
43 OF OFFICIAL REPRESENTATIVE OF THIS STATE TO THE COMPACT COMMISSION.  
44           F. NOTWITHSTANDING SECTION 41-3103, THE COMMITTEE DOES NOT INCLUDE A  
45 SPECIFIC EXPIRATION DATE.