

House Engrossed

natural resources; federal law; requirements

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HOUSE BILL 2059

AN ACT

AMENDING TITLE 1, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY
ADDING SECTION 1-273; RELATING TO SOVEREIGN AUTHORITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 1, chapter 2, article 4, Arizona Revised Statutes,
3 is amended by adding section 1-273, to read:

4 1-273. Sovereign authority; natural resources;
5 anticommandeering; exception; standard of review;
6 civil penalty; violation; classification

7 A. PURSUANT TO ARTICLE II, SECTION 3, CONSTITUTION OF ARIZONA, THIS
8 STATE, ANY AGENCY OR POLITICAL SUBDIVISION OF THIS STATE AND ANY EMPLOYEE
9 OF THIS STATE OR ANY AGENCY OR POLITICAL SUBDIVISION OF THIS STATE ACTING
10 IN THE EMPLOYEE'S OFFICIAL CAPACITY MAY NOT USE ANY PERSONNEL OR FINANCIAL
11 RESOURCES TO ENFORCE, ADMINISTER OR COOPERATE WITH ANY OF THE FOLLOWING
12 FEDERAL ACTIONS OR PROGRAMS:

13 1. THE FOLLOWING PROGRAMS OR ACTIONS AUTHORIZED BY THE CLEAN AIR
14 ACT OF 1963 (P.L. 88-206; 42 UNITED STATES CODE SECTIONS 7401 THROUGH
15 7671) AS AMENDED BY THE CLEAN AIR ACT AMENDMENTS OF 1990 (P.L. 101-549):

16 (a) THE GOOD NEIGHBOR PLAN RULE ADOPTED BY THE UNITED STATES
17 ENVIRONMENTAL PROTECTION AGENCY.

18 (b) OZONE NONATTAINMENT AREAS.

19 (c) PM2.5 NONATTAINMENT AREAS.

20 2. ANY WATERS OF THE UNITED STATES THAT ARE REGULATED BY THE
21 FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972 (P.L. 92-500; 86
22 STAT. 816; 33 UNITED STATES CODE SECTIONS 1251 THROUGH 1376), AS AMENDED.

23 3. ENERGY EFFICIENCY STANDARDS FOR NEW CONSTRUCTION OF HOUSING AND
24 URBAN DEVELOPMENT-FINANCED AND UNITED STATES DEPARTMENT OF
25 AGRICULTURE-FINANCED HOUSING AUTHORIZED BY THE ENERGY INDEPENDENCE AND
26 SECURITY ACT OF 2007 (P.L. 110-140).

27 4. THE MEXICAN WOLF REINTRODUCTION PROGRAM PURSUANT TO THE
28 ENDANGERED SPECIES ACT OF 1973 (P.L. 93-205; 87 STAT. 884; 16 UNITED
29 STATES CODE SECTIONS 1531 THROUGH 1544). THIS PARAGRAPH DOES NOT APPLY TO
30 THE LIVESTOCK LOSS PROGRAM THAT IS ADMINISTERED AND ENFORCED BY THE
31 ARIZONA LIVESTOCK LOSS BOARD.

32 5. THE INCIDENTAL TAKE PERMIT PROGRAM PURSUANT TO THE ENDANGERED
33 SPECIES ACT OF 1973 (P.L. 93-205; 87 STAT. 884; 16 UNITED STATES CODE
34 SECTIONS 1536 THROUGH 1539).

35 B. THIS SECTION DOES NOT PROHIBIT THIS STATE OR AN AGENCY OR
36 POLITICAL SUBDIVISION OF THIS STATE, OR AN EMPLOYEE OF THIS STATE OR AN
37 AGENCY OR POLITICAL SUBDIVISION OF THIS STATE ACTING IN THE EMPLOYEE'S
38 OFFICIAL CAPACITY, FROM COMPLYING WITH A COURT ORDER.

39 C. IN ANY PROCEEDING IN SUPERIOR COURT TO ENFORCE COMPLIANCE WITH A
40 FEDERAL ACTION OR PROGRAM LISTED IN SUBSECTION A OF THIS SECTION, THE
41 COURT SHALL DECIDE ALL QUESTIONS OF LAW AND ALL QUESTIONS OF FACT RELATING
42 TO THE DESIGNATED FEDERAL ACTION OR PROGRAM WITHOUT DEFERENCE TO ANY
43 PREVIOUS DETERMINATION THAT MAY HAVE BEEN MADE ON THE QUESTION BY A
44 FEDERAL AGENCY.

1 D. ANY EMPLOYEE OF THIS STATE OR OF ANY AGENCY OR POLITICAL
2 SUBDIVISION OF THIS STATE WHO KNOWINGLY VIOLATES THIS SECTION, ON A FIRST
3 VIOLATION, IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN \$3,000 AND, ON A
4 SECOND OR SUBSEQUENT VIOLATION, IS GUILTY OF A CLASS 1 MISDEMEANOR. A
5 PERSON WHO IS GUILTY OF A CLASS 1 MISDEMEANOR PURSUANT TO THIS SUBSECTION
6 IS NOT ELIGIBLE FOR PROBATION, PARDON, SUSPENSION OF SENTENCE OR RELEASE
7 ON ANY BASIS UNTIL THE PERSON HAS SERVED NOT LESS THAN SIXTY DAYS IN JAIL.

8 E. AN AGENCY OR POLITICAL SUBDIVISION OF THIS STATE MAY NOT RECEIVE
9 GRANT MONIES FROM ANY SOURCE IF THE AGENCY OR POLITICAL SUBDIVISION ADOPTS
10 A RULE, ORDER, ORDINANCE, REGULATION OR POLICY OR OTHERWISE TAKES ANY
11 ACTION THAT VIOLATES THIS SECTION. AN AGENCY OR POLITICAL SUBDIVISION MAY
12 NOT RECEIVE GRANT MONIES FROM ANY SOURCE IN THE FISCAL YEAR FOLLOWING THE
13 YEAR IN WHICH A FINAL JUDICIAL DETERMINATION IN AN ACTION BROUGHT PURSUANT
14 TO THIS SECTION IS MADE THAT FINDS THAT THE AGENCY OR POLITICAL
15 SUBDIVISION ADOPTED A RULE, ORDER, ORDINANCE, REGULATION OR POLICY OR
16 OTHERWISE TOOK ACTION THAT VIOLATED THIS SECTION.

17 Sec. 2. Legislative findings

18 The legislature finds that:

19 1. In enacting this act, the legislature intends to protect Arizona
20 employees, including law enforcement officers, from being directed,
21 through federal executive orders, agency orders, statutes, laws, rules or
22 regulations in effect on or after the effective date of this act, to
23 violate the person's oath of office and rights affirmed under the Tenth
24 Amendment to the United States Constitution.

25 2. Pursuant to and in furtherance of the principles of federalism
26 enshrined in the United States Constitution, and recognized by the Supreme
27 Court of the United States, the federal government may not commandeer this
28 state's officers, agents or employees to participate in the enforcement or
29 facilitation of any federal act or regulatory program.

30 3. The right to be free from the commandeering hand of the federal
31 government has been recognized by the Supreme Court of the United States
32 in New York v. United States, 505 U.S. 144 (1992) and Printz v. United
33 States, 521 U.S. 898 (1997), among other cases, with the court
34 consistently holding that the federal government may neither issue
35 directives requiring the states to address particular problems, nor
36 command the states' officers, or those of their political subdivisions, to
37 administer or enforce a federal regulatory program.

38 4. The anticommandeering principles recognized by the Supreme Court
39 of the United States in New York v. United States, 505 U.S. 144 (1992) and
40 Printz v. United States, 521 U.S. 898 (1997), among other cases, are
41 predicated on the advice of James Madison, who in Federalist Number 46
42 advised "a refusal to cooperate with officers of the Union" in response to
43 either unconstitutional federal measures or constitutional but unpopular
44 federal measures.

1 Sec. 3. Severability

2 If a provision of this act or its application to any person or
3 circumstance is held invalid, the invalidity does not affect other
4 provisions or applications of the act that can be given effect without the
5 invalid provision or application, and to this end the provisions of this
6 act are severable.

7 Sec. 4. Short title

8 This act may be cited as the "Natural Resources Anticommandeering
9 Act".