

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

HOUSE BILL 2318

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

11 SECTION 3. COMPACT COMMISSION AND COMPACT ADMINISTRATOR

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

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

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

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

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

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

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

28 (a) POWERS RESERVED TO THE STATE.

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

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

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

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

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

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

43 C. A MAJORITY OF THE MEMBER STATE REPRESENTATIVES PRESENT AT A COMPACT
44 COMMISSION MEETING CONSTITUTES A QUORUM AND AN ACTION OF THE QUORUM

1 CONSTITUTES AN ACTION OF THE COMPACT COMMISSION. EACH MEMBER STATE SHALL
2 HAVE ONE OFFICIAL REPRESENTATIVE WHO SHALL HAVE ONE VOTE.

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

6 SECTION 4. COMPACT MEMBERSHIP AND WITHDRAWAL

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

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

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

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

27 SECTION 5. ADOPTION OF COMPACT

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

32 SECTION 6. COMMISSION MEETINGS

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

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

4 C. SPECIAL MEETINGS MAY BE CALLED IF ONE-HALF OR MORE OF THE MEMBER
5 STATES NOTIFY THE CHAIR OF THE COMPACT COMMISSION IN WRITING OF THE REQUEST
6 FOR A MEETING. ATTENDANCE AT THE MEETING MAY BE IN PERSON OR BY ELECTRONIC
7 MEANS.

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

12 SECTION 7. FUNDING

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

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

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

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

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

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

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

40 G. THE COMPACT COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL RECEIPTS
41 AND DISBURSEMENTS, AND THAT INFORMATION SHALL BE AVAILABLE WITHIN THIRTY DAYS
42 ON REQUEST BY A COMPACT COMMISSION MEMBER OR BY A MEMBER STATE OR ASSOCIATE
43 MEMBER STATE. ALL RECEIPTS AND DISBURSEMENTS OF FUNDS HANDLED BY THE COMPACT
44 COMMISSION SHALL BE AUDITED YEARLY BY A CERTIFIED OR LICENSED PUBLIC

1 ACCOUNTANT, AND THE REPORT OF THE AUDIT SHALL BE INCLUDED IN THE ANNUAL
2 REPORT OF THE COMMISSION.

3 SECTION 8. COOPERATION

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

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

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

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

15 2. DEVELOP AND DRAFT MODEL UNIFORM LEGISLATION FOR MEMBER STATES TO
16 SEND TO THEIR FEDERAL DELEGATION FOR INTRODUCTION IN CONGRESS FOR THE
17 TRANSFER OF FEDERALLY CONTROLLED PUBLIC LANDS TO THE RESPECTIVE MEMBER STATE
18 GOVERNMENTS.

19 3. DEVELOP LEGAL STRATEGIES FOR SECURING STATE SOVEREIGNTY AND
20 JURISDICTION OVER FEDERALLY CONTROLLED PUBLIC LANDS WITHIN MEMBER STATE
21 BOUNDARIES.

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

23 1. TWO STATES HAVE BECOME MEMBER STATES AND ADOPTED THE TERMS IN
24 LEGISLATION.

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