

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 265, As Amended

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO PUBLIC LANDS; AMENDING TITLE 58, IDAHO CODE, BY THE ADDITION OF
2 A NEW CHAPTER 15, TITLE 58, IDAHO CODE, TO PROVIDE AN INTERSTATE COMPACT
3 ON TRANSFER OF PUBLIC LANDS, TO DEFINE TERMS, TO PROVIDE THE PURPOSE OF
4 THE COMPACT AND COMMISSION, TO PROVIDE FOR A COMPACT COMMISSION AND COM-
5 PACT ADMINISTRATOR, TO PROVIDE THE COMPACT MEMBERSHIP AND WITHDRAWAL,
6 TO PROVIDE FOR ADOPTION OF THE COMPACT, TO PROVIDE FOR COMMISSION MEET-
7 INGS, TO PROVIDE FOR FUNDING, TO PROVIDE FOR COOPERATION AND TO PROVIDE
8 A DECLARATION OF THE INTERSTATE COMPACT ON THE TRANSFER OF PUBLIC LANDS
9 GOALS.
10

11 Be It Enacted by the Legislature of the State of Idaho:

12 SECTION 1. That Title 58, Idaho Code, be, and the same is hereby amended
13 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
14 ter 15, Title 58, Idaho Code, and to read as follows:

15 CHAPTER 15

16 INTERSTATE COMPACT ON TRANSFER OF PUBLIC LANDS

17 58-1501. INTERSTATE COMPACT ON TRANSFER OF PUBLIC LANDS. The Inter-
18 state Compact on the Transfer of Public Lands is hereby enacted and entered
19 into with all other jurisdictions that can legally join in the compact, which
20 is, in form, substantially as follows:

21 INTERSTATE COMPACT ON THE TRANSFER OF PUBLIC LANDS

22 Whereas, the separation of powers, both between the branches of the fed-
23 eral government and between federal and state authority, is essential to the
24 preservation of individual liberty;

25 Whereas, the Constitution of the United States creates a federal gov-
26 ernment of limited and enumerated powers and reserves to the states or to the
27 people those powers not expressly granted to the federal government to pro-
28 tect the liberty of individual property incidental to the sovereignty and
29 the health, safety, and welfare of its citizens;

30 Whereas, each state adopting and agreeing to be bound by this com-
31 pact finds that the coordinated, regular, institutional exercise of its
32 sovereign power under its respective constitution and the Constitution of
33 the United States is an essential component of the governing partnership
34 between the states and the federal government.

35 NOW, THEREFORE, the states hereto resolve and, by the adoption into law
36 under their respective state constitutions of this Interstate Compact on the
37 Transfer of Public Lands, agree, as follows:

38 Sec. 1. Definitions.

1 As used in this chapter, unless the context clearly indicates other-
2 wise:

3 (1) "Associate member state" means any state that is not a "member
4 state."

5 (2) "Compact" means the interstate compact on the transfer of public
6 lands.

7 (3) "Compact administrator" means the person selected by the compact
8 commission to staff the compact commission and whose duties, powers, and
9 tenure are only those approved by the commission.

10 (4) "Compact commission" means the entity composed of member state rep-
11 resentatives and who will administer the compact.

12 (5) "Compact notice recipient" means the archivist of the United
13 States, the president of the United States, the office of the secretary of
14 the United States senate, the majority leader of the United States senate,
15 the speaker of the United States house of representatives, the office of the
16 clerk of the United States house of representatives, the chief executive of
17 each state, and the presiding officer of each chamber of the legislature of
18 each state.

19 (6) "Member state" means any of the following states that are a signa-
20 tory to the compact and that have adopted it under the laws of that state:
21 Alaska; Arizona; California; Colorado; Idaho; Montana; Nevada; New Mexico;
22 Oregon; Utah; Washington; and Wyoming.

23 Sec. 2. Purpose of the compact and commission.

24 The purpose of the compact and the compact commission is to study,
25 collect data, and develop political and legal mechanisms for securing the
26 transfer to the respective member states of certain specially identified
27 federally controlled public lands within the respective member state bound-
28 aries. Idaho's member to the commission shall be appointed by the president
29 pro tempore of the senate and the speaker of the house of representatives and
30 shall serve at their pleasure.

31 Sec. 3. Compact commission and compact administrator.

32 (1) The compact commission is hereby established and has the powers and
33 duties as follows:

34 (a) Elect, by majority vote, a chair and cochair from among the com-
35 pact's members, who shall serve a term of office of two (2) years and may
36 serve no more than two (2) terms as chair or cochair;

37 (b) Appoint a compact administrator who shall report to the chair and
38 cochair;

39 (c) Request and disburse funds for the operation of the compact commis-
40 sion;

41 (d) Allow the compact commission to seek staff and research assistance
42 from nonprofit organizations;

43 (e) Adopt parliamentary procedures and publish bylaws consistent with
44 member states;

1 (f) Receive, evaluate, and respond to input from compact commission
2 members regarding actions taken by the federal government that inter-
3 fere with the:

4 (i) Powers reserved to the state;

5 (ii) Regulation of real property, including land titles, uses,
6 and transfers;

7 (iii) Regulation of agriculture and nonagricultural businesses
8 that do not engage in interstate commerce; and

9 (iv) Jurisdiction for the health, safety, and welfare of a state's
10 residents;

11 (g) Keep and publish minutes of compact commission meetings and records
12 of the compact administrator both of which shall be considered public
13 records and available upon request by the public; and

14 (h) Prepare an annual report of the compact commission's activities for
15 member and associate member states.

16 (2) The compact administrator shall staff the compact commission, per-
17 form duties, and exercise powers as granted by the commission, or as directed
18 by the chair or cochair.

19 (3) A majority of the member state representatives present at a compact
20 commission meeting constitutes a quorum and an action of the quorum consti-
21 tutes an action of the compact commission. Each member state shall have one
22 (1) official representative who shall have one (1) vote.

23 (4) The compact commission may not take any action within a member or
24 associate member state that contravenes any state law of that member or asso-
25 ciate member state.

26 Sec. 4. Compact membership and withdrawal.

27 (1) Each member and associate member state agrees to perform and com-
28 ply in accordance with the terms of membership of this compact consistent
29 with the constitution and laws of the member or associate member state. Ac-
30 tions by members of the compact, for the purpose for which it was created, are
31 based upon the mutual participation, reliance, and reciprocal performance
32 in agreeing to enact this compact into law.

33 (2) A state enacting this compact into law shall appoint one (1) offi-
34 cial representative to the compact commission and shall provide to the com-
35 pact commission a letter of that representative's appointment. A copy of
36 the letter of appointment with a government-issued photo identity card shall
37 constitute proof of membership on the compact commission.

38 (3) For voting purposes, only a member state representative may vote
39 and each member state may have only one (1) vote.

40 (4) A member or associate member state may withdraw from this compact
41 by enacting legislation and giving notice of the enacted withdrawal legis-
42 lation to the compact administrator. No such withdrawal shall take effect
43 until six (6) months following the enactment of withdrawal legislation and
44 a withdrawing state is liable for any obligations that it may have incurred
45 prior to the date upon which its withdrawal legislation becomes effective.

46 Sec. 5. Adoption of compact.

1 Upon a state adopting the compact and notifying the compact administra-
2 tor, the administrator shall notify all other member states of the adoption
3 by sending an updated certified copy of the compact with the new adoptee
4 state listed.

5 Sec. 6. Commission meetings.

6 (1) The initial meeting of the compact commission shall be within
7 ninety (90) days after the compact is enacted by two (2) or more states. The
8 official representatives of the enacting states shall determine the date,
9 time, and location of the initial meeting and publish that information in
10 their respective states in a manner consistent with the laws of those states
11 for posting notifications and agendas of public meetings. At the initial
12 meeting, those official representatives shall, as provided in Sec. 4.,
13 elect a chair and cochair, and appoint a compact administrator. The compact
14 administrator shall, as directed by the compact commission chairs and as
15 provided in the compact, organize the compact commission's activities.

16 (2) Following the compact commission's initial meeting, the compact
17 commission shall meet at least one (1) time per year.

18 (3) Special meetings may be called if one-half (1/2) or more of the mem-
19 ber states notify the chair of the compact commission in writing of the re-
20 quest for a meeting. Attendance at the meeting may be in person or by elec-
21 tronic means.

22 (4) Meetings shall be recorded, and the recording and minutes of the
23 meeting shall be made available to the public within thirty (30) days after
24 the meeting. Meetings closed to the public are not permitted except where
25 provided by law in the state in which the meeting is held.

26 Sec. 7. Funding.

27 1. The compact commission shall pay, or provide for the payment of, the
28 reasonable expenses of its establishment, organization, and ongoing activi-
29 ties.

30 2. The compact commission may accept any appropriate revenue sources,
31 donations, and grants of money, equipment, supplies, material, and ser-
32 vices.

33 3. (a) The compact commission may, in accordance with subsection 3. (b)
34 and (c), levy on and collect an annual assessment from each member state
35 or impose fees on other parties to cover the cost of the operations and
36 activities of the compact commission and its staff, which must be in a
37 total amount sufficient to cover its annual budget as approved each year
38 for which revenue is not provided by other sources.

39 (b) The compact commission may not levy and collect an annual assess-
40 ment against a member state if the member state:

41 (i) (A) Votes against the annual assessment; or

42 (B) Was absent from the commission meeting during which the
43 commission voted to approve the annual assessment; and

44 (ii) Within sixty (60) days of the vote to impose the annual as-
45 sessment, notifies the commission in writing that the member state
46 does not consent to the levy of the annual assessment.

1 (c) The aggregate annual assessment amount shall be allocated based on
2 a formula to be determined by the compact commission, which shall adopt
3 a rule that is binding on all member states.

4 4. The compact commission shall not incur obligations of any kind prior
5 to securing the funds adequate to meet the obligation, nor shall the compact
6 commission pledge the credit of any of the member states, except by and with
7 authority of the member state.

8 5. The compact commission shall keep accurate accounts of all receipts
9 and disbursements, and that information shall be available within thirty
10 (30) days upon request by a compact commission member, or by a member state
11 or associate member state. All receipts and disbursements of funds handled
12 by the compact commission shall be audited yearly by a certified or licensed
13 public accountant, and the report of the audit shall be included in the an-
14 nual report of the commission.

15 Sec. 8. Cooperation.

16 The compact commission, member states, associate member states, and the
17 compact administrator shall cooperate and offer mutual assistance with each
18 other in enforcing the terms of the compact for securing the transfer of ti-
19 tle to federally controlled public lands to willing western states.

20 Sec. 9. Declaration of interstate compact on the transfer of public
21 lands goals.

22 (1) Member states, in order to restore, protect, and promote state sov-
23 ereignty and the health, safety, and welfare of their citizens, shall:

24 (a) Develop and draft model uniform legislation for member states
25 to adopt in securing sovereignty and jurisdiction over federal lands
26 within the respective member state boundaries;

27 (b) Develop and draft model uniform legislation for member states to
28 send to their federal delegation for introduction in congress for the
29 transfer of federally controlled public lands to the respective member
30 state governments; and

31 (c) Develop legal strategies for securing state sovereignty and ju-
32 risdiction over federally controlled public lands within member state
33 boundaries.

34 (2) The compact goals in subsection (1) take effect when:

35 (a) Two (2) states have become member states and adopted the terms in
36 legislation; and

37 (b) Congress votes to consent to the terms of this compact under United
38 States constitution article I, section 10.