

**INTERSTATE COMPACT ON TRANSFER OF PUBLIC
LANDS**

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keven J. Stratton

Senate Sponsor: _____

LONG TITLE

General Description:

This bill provides for an interstate compact for the transfer of western public lands from federal control to state control.

Highlighted Provisions:

This bill:

- ▶ enacts an interstate compact establishing a compact commission to consider mechanisms for securing the transfer of federal land to member states;
- ▶ provides for membership and withdrawal;
- ▶ establishes a commission and an administrator;
- ▶ designates funding sources; and
- ▶ defines the goals of securing sovereignty and jurisdiction over western states' public lands.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

63L-6-105, Utah Code Annotated 1953



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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **63L-6-105** is enacted to read:

63L-6-105. Interstate compact -- Transfer of public land.

The Interstate Compact on the Transfer of Public Lands is hereby enacted and entered into with all other jurisdictions that can legally join in the compact, which is, in form, substantially as follows:

Interstate Compact on the Transfer of Public Lands

Whereas, the separation of powers, both between the branches of the federal government and between federal and state authority, is essential to the preservation of individual liberty;

Whereas, the Constitution of the United States creates a federal government of limited and enumerated powers and reserves to the states or to the people those powers not expressly granted to the federal government to protect the liberty of individual property incidental to the sovereignty and the health, safety, and welfare of its citizens;

Whereas, each state adopting and agreeing to be bound by this compact finds that the coordinated, regular, institutional exercise of its sovereign power under its respective constitution and the Constitution of the United States is an essential component of the governing partnership between the states and the federal government;

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

Sec. 1. Definitions.

As used in this chapter, unless the context clearly indicates otherwise:

(1) "Associate member state" means any state that is not a "Member State."

(2) "Compact" means the Interstate Compact on the Transfer of Public Lands.

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

(4) "Compact commission" means the entity composed of member state representatives and who will administer the compact.

59 (5) "Compact notice recipient" means the archivist of the United States, the president
60 of the United States, the office of the secretary of the United States Senate, the majority leader
61 of the United States Senate, the speaker of the United States House of Representatives, the
62 office of the clerk of the United States House of Representatives, the chief executive of each
63 state, and the presiding officer of each chamber of the Legislature of each state.

64 (6) "Member state" means any of the following states that are a signatory to the
65 compact and that have adopted it under the laws of that state: Alaska; Arizona; California;
66 Colorado; Idaho; Montana; Nevada; New Mexico; Oregon; Utah; Washington; and Wyoming.

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

68 The purpose of the compact and commission is to study, collect data, and develop
69 political and legal mechanisms for securing the transfer to the respective member states of
70 certain specially identified federally controlled public lands within the respective member state
71 boundaries.

72 Sec. 3. Compact commission and compact administrator.

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

75 (a) elect, by majority vote, a chair and cochair from among the compact's members,
76 who shall serve a term of office of two years and may serve no more than two terms as chair or
77 cochair;

78 (b) appoint a compact administrator who shall report to the chair and cochair;

79 (c) request and disburse funds for the operation of the compact commission;

80 (d) allow the compact commission to seek staff and research assistance from nonprofit
81 organizations;

82 (e) adopt parliamentary procedures and publish bylaws consistent with member states,

83 (f) receive, evaluate, and respond to input from compact commission members

84 regarding actions taken by the federal government that interfere with the:

85 (i) powers reserved to the state;

86 (ii) regulation of real property, including land titles, uses, and transfers;

87 (iii) regulation of agriculture and nonagricultural businesses that do not engage in
88 interstate commerce; and

89 (iv) jurisdiction for the health, safety, and welfare of a state's residents;

90 (g) keep and publish minutes of compact commission meetings and records of the
91 compact administrator both of which shall be considered public records and available upon
92 request by the public; and

93 (h) prepare an annual report of the compact commission's activities for member and
94 associate member states.

95 (2) The compact administrator shall staff the compact commission, perform duties, and
96 exercise powers as granted by the commission, or as directed by the chair or cochair.

97 (3) A majority of the member state representatives present at a compact commission
98 meeting constitutes a quorum and an action of the quorum constitutes an action of the compact
99 commission. Each member state shall have one official representative who shall have one
100 vote.

101 (4) The compact commission may not take any action within a member or associate
102 member state that contravenes any state law of that member or associate member state.

103 Sec. 4. Compact membership and withdrawal.

104 (1) Each member and associate member state agrees to perform and comply in
105 accordance with the terms of membership of this compact consistent with the constitution and
106 laws of the member or associate member state. Actions by members of the compact, for the
107 purpose for which it was created, are based upon the mutual participation, reliance, and
108 reciprocal performance in agreeing to enact this compact into law.

109 (2) A state enacting this compact into law shall appoint one official representative to
110 the compact commission and shall provide to the compact commission a letter of that
111 representative's appointment. A copy of the letter of appointment with a government-issued
112 photo identity card shall constitute proof of membership on the compact commission.

113 (3) For voting purposes, only a member state representative may vote and each member
114 state may have only one vote.

115 (4) A member or associate member state may withdraw from this compact by enacting
116 legislation and giving notice of the enacted withdrawal legislation to the compact
117 administrator. No such withdrawal shall take effect until six months following the enactment
118 of withdrawal legislation and a withdrawing state is liable for any obligations that it may have
119 incurred prior to the date upon which its withdrawal legislation becomes effective.

120 Sec. 5. Adoption of compact.

121 Upon a state adopting the compact and notifying the compact administrator, the
122 administrator shall notify all other member states of the adoption by sending an updated
123 certified copy of the compact with the new adoptee state listed.

124 Sec. 6. Commission meetings.

125 (1) The initial meeting of the compact commission shall be within 90 days after the
126 compact is enacted by two or more states. The official representatives of the enacting states
127 shall determine the date, time, and location of the initial meeting and publish that information
128 in their respective states in a manner consistent with the laws of those states for posting
129 notifications and agendas of public meetings. At the initial meeting, those official
130 representatives shall, as provided in Sec. 4, elect a chair and cochair, and appoint a compact
131 administrator. The compact administrator shall, as directed by the compact commission chairs
132 and as provided in the compact, organize the compact commission's activities.

133 (2) Following the compact commission's initial meeting, the compact commission shall
134 meet at least one time per year. No meeting shall continue longer than three consecutive days.

135 (3) Special meetings may be called if half or more of the member states notify the chair
136 of the compact commission in writing of the request for a meeting. Attendance at the meeting
137 may be in person or by electronic means. No meeting shall continue longer than three
138 consecutive days.

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

142 Sec. 7. Funding.

143 The activities of the compact commission and compact administrator shall be funded
144 exclusively by each member and associate member state, as permitted by the laws of those
145 states, or by voluntary donations. Records shall be kept of all funding and disbursements, and
146 that information shall be available within 30 days upon request by a compact commission
147 member, or by a member state or associate member state.

148 Sec. 8. Cooperation.

149 The compact commission, member states, associate member states, and the compact
150 administrator shall cooperate and offer mutual assistance with each other in enforcing the terms
151 of the compact for securing the transfer of title to federally controlled public lands to willing

152 western states.

153 Sec. 9. Declaration of Interstate Compact on the Transfer of Public Lands Goals.

154 (1) Member states, in order to restore, protect, and promote state sovereignty and the
155 health, safety, and welfare of their citizens, shall:

156 (a) develop and draft model uniform legislation for member states to adopt in securing
157 sovereignty and jurisdiction over federal lands within the respective member state boundaries;

158 (b) develop and draft model uniform legislation for member states to send to their
159 federal delegation for introduction in Congress for the transfer of federally controlled public
160 lands to the respective member state governments; and

161 (c) develop legal strategies for securing state sovereignty and jurisdiction over federally
162 controlled public lands within member state boundaries.

163 (2) The compact goals in Subsection (1) take effect when:

164 (a) two states have become member states and adopted the terms in legislation; and

165 (b) Congress votes to consent to the terms of this compact under United States

166 Constitution Article I, Section 10.

Legislative Review Note

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Office of Legislative Research and General Counsel