

1 INTERSTATE COMPACT ON TRANSFER OF PUBLIC

2 LANDS

3 2014 GENERAL SESSION

4 STATE OF UTAH

5 Chief Sponsor: Keven J. Stratton

6 Senate Sponsor: Evan J. Vickers

7	Cosponsors:	Stephen G. Handy	Lee B. Perry
8	Rebecca D. Lockhart	Eric K. Hutchings	Val L. Peterson
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10	Gregory H. Hughes	John Knotwell	Kraig Powell
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12	Jacob L. Anderegg	David E. Lifferth	Douglas V. Sagers
13	Jerry B. Anderson	John G. Mathis	V. Lowry Snow
14	Roger E. Barrus	Kay L. McIff	Robert M. Spendlove
15	Melvin R. Brown	Mike K. McKell	Jon E. Stanard
16	Kay J. Christofferson	Jim Nielson	John R. Westwood
17	Jack R. Draxler	Michael E. Noel	Brad R. Wilson
18	Brian M. Greene	Curtis Oda	
	Keith Grover		

19

20 LONG TITLE

21 General Description:

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

24 Highlighted Provisions:

25 This bill:

- 26 ► enacts an interstate compact establishing a compact commission to consider
- 27 mechanisms for securing the transfer of federal land to member states;

- 28 ▶ provides for membership and withdrawal;
- 29 ▶ establishes a commission and an administrator;
- 30 ▶ designates funding sources; and
- 31 ▶ defines the goals of securing sovereignty and jurisdiction over western states' public
- 32 lands.

33 **Money Appropriated in this Bill:**

34 None

35 **Other Special Clauses:**

36 None

37 **Utah Code Sections Affected:**

38 ENACTS:

39 **63L-6-105**, Utah Code Annotated 1953



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

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

43 **63L-6-105. Interstate compact -- Transfer of public land.**

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

47 Interstate Compact on the Transfer of Public Lands

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

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

55 Whereas, each state adopting and agreeing to be bound by this compact finds that the

56 coordinated, regular, institutional exercise of its sovereign power under its respective
57 constitution and the Constitution of the United States is an essential component of the
58 governing partnership between the states and the federal government;

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

62 Sec. 1. Definitions.

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

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

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

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

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

71 (5) "Compact notice recipient" means the archivist of the United States, the president
72 of the United States, the office of the secretary of the United States Senate, the majority leader
73 of the United States Senate, the speaker of the United States House of Representatives, the
74 office of the clerk of the United States House of Representatives, the chief executive of each
75 state, and the presiding officer of each chamber of the Legislature of each state.

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

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

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

84 Sec. 3. Compact commission and compact administrator.

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

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

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

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

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

94 (e) adopt parliamentary procedures and publish bylaws consistent with member states;

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

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

97 (i) powers reserved to the state;

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

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

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

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

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

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

109 (3) A majority of the member state representatives present at a compact commission
110 meeting constitutes a quorum and an action of the quorum constitutes an action of the compact
111 commission. Each member state shall have one official representative who shall have one

112 vote.

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

115 Sec. 4. Compact membership and withdrawal.

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

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

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

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

132 Sec. 5. Adoption of compact.

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

136 Sec. 6. Commission meetings.

137 (1) The initial meeting of the compact commission shall be within 90 days after the
138 compact is enacted by two or more states. The official representatives of the enacting states
139 shall determine the date, time, and location of the initial meeting and publish that information

140 in their respective states in a manner consistent with the laws of those states for posting
141 notifications and agendas of public meetings. At the initial meeting, those official
142 representatives shall, as provided in Sec. 4, elect a chair and cochair, and appoint a compact
143 administrator. The compact administrator shall, as directed by the compact commission chairs
144 and as provided in the compact, organize the compact commission's activities.

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

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

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

154 Sec. 7. Funding.

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

160 Sec. 8. Cooperation.

161 The compact commission, member states, associate member states, and the compact
162 administrator shall cooperate and offer mutual assistance with each other in enforcing the terms
163 of the compact for securing the transfer of title to federally controlled public lands to willing
164 western states.

165 Sec. 9. Declaration of Interstate Compact on the Transfer of Public Lands goals.

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

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

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

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

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

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

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

178 Constitution Article I, Section 10.