

1 **INTERSTATE COMPACT ON TRANSFER OF PUBLIC**
2 **LANDS AMENDMENTS**

3 2015 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Keven J. Stratton**

6 Senate Sponsor: Evan J. Vickers

8 **LONG TITLE**

9 **General Description:**

10 This bill amends the Interstate Compact on the Transfer of Public Lands.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ adds financing provisions to the Interstate Compact on the Transfer of Public Lands.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **63L-6-105**, as enacted by Laws of Utah 2014, Chapter 324

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

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

24 **63L-6-105. Interstate compact -- Transfer of public land.**

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



28 Interstate Compact on the Transfer of Public Lands

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

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

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

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

43 Sec. 1. Definitions.

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

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

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

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

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

52 (5) "Compact notice recipient" means the archivist of the United States, the president
53 of the United States, the office of the secretary of the United States Senate, the majority leader
54 of the United States Senate, the speaker of the United States House of Representatives, the
55 office of the clerk of the United States House of Representatives, the chief executive of each
56 state, and the presiding officer of each chamber of the Legislature of each state.

57 (6) "Member state" means any of the following states that are a signatory to the
58 compact and that have adopted it under the laws of that state: Alaska; Arizona; California;

59 Colorado; Idaho; Montana; Nevada; New Mexico; Oregon; Utah; Washington; and Wyoming.

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

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

65 Sec. 3. Compact commission and compact administrator.

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

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

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

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

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

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

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

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

78 (i) powers reserved to the state;

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

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

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

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

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

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

90 (3) A majority of the member state representatives present at a compact commission
91 meeting constitutes a quorum and an action of the quorum constitutes an action of the compact
92 commission. Each member state shall have one official representative who shall have one
93 vote.

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

96 Sec. 4. Compact membership and withdrawal.

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

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

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

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

113 Sec. 5. Adoption of compact.

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

117 Sec. 6. Commission meetings.

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

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

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

128 (3) Special meetings may be called if half or more of the member states notify the chair
 129 of the compact commission in writing of the request for a meeting. Attendance at the meeting
 130 may be in person or by electronic means. ~~[No meeting shall continue longer than three~~
 131 ~~consecutive days.]~~

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

135 Sec. 7. Funding.

136 ~~[The activities of the compact commission and compact administrator shall be funded~~
 137 ~~exclusively by each member and associate member state, as permitted by the laws of those~~
 138 ~~states, or by voluntary donations. Records shall be kept of all funding and disbursements]~~

139 1. The compact commission shall pay, or provide for the payment of, the reasonable
 140 expenses of its establishment, organization, and ongoing activities.

141 2. The compact commission may accept any appropriate revenue sources, donations,
 142 and grants of money, equipment, supplies, material, and services.

143 3. ~~H→~~ (a) ~~←H~~ The compact commission may ~~H→~~ , in accordance with Subsections
 143a (3)(b) and (c), ~~←H~~ levy on and collect an annual assessment from each
 144 member state or impose fees on other parties to cover the cost of the operations and activities
 145 of the compact commission and its staff, which must be in a total amount sufficient to cover its
 146 annual budget as approved each year for which revenue is not provided by other sources.

146a ~~H→~~ (b) The compact commission may not levy and collect an annual assessment against a
 146b member state if the member state:

146c (i)(A) votes against the annual assessment; or

146d (B) was absent from the commission meeting during which the commission voted to
 146e approve the annual assessment; and

146f (ii) within sixty days of the vote to impose the annual assessment, notifies the
 146g commission in writing that the member state does not consent to the levy of the annual
 146h assessment.

146i (c) ~~←H~~ The

147 aggregate annual assessment amount shall be allocated based on a formula to be determined by
 148 the compact commission, which shall adopt a rule that is binding on all member states.

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

152 5. The compact commission shall keep accurate accounts of all receipts and
153 disbursements, and that information shall be available within 30 days upon request by a
154 compact commission member, or by a member state or associate member state. All receipts and
155 disbursements of funds handled by the compact commission shall be audited yearly by a
156 certified or licensed public accountant, and the report of the audit shall be included in the
157 annual report of the commission.

158 Sec. 8. Cooperation.

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

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

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

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

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

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

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

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

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

176 Constitution Article I, Section 10.

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Office of Legislative Research and General Counsel