

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 265

BY WAYS AND MEANS COMMITTEE

AN ACT

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

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

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

CHAPTER 15

INTERSTATE COMPACT ON TRANSFER OF PUBLIC LANDS

58-1501. INTERSTATE COMPACT ON TRANSFER OF PUBLIC LANDS. The Inter-  
state 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 fed-  
eral 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 gov-  
ernment of limited and enumerated powers and reserves to the states or to the  
people those powers not expressly granted to the federal government to pro-  
tect 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 com-  
pact 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.

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.

## 29       Sec. 3. Compact commission and compact administrator.

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

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

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

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

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

41       (e) Adopt parliamentary procedures and publish bylaws consistent with  
42 member states;

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

46       (i) Powers reserved to the state;

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

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

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

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

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

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

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

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

#### Sec. 4. Compact membership and withdrawal.

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

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

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

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

#### Sec. 5. Adoption of compact.

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

1       Sec. 6. Commission meetings.

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

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

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

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

22       Sec. 7. Funding.

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

26       2. The compact commission may accept any appropriate revenue sources,  
27 donations, and grants of money, equipment, supplies, material, and ser-  
28 vices.

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

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

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

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

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

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

46       4. The compact commission shall not incur obligations of any kind prior  
47 to securing the funds adequate to meet the obligation, nor shall the compact

1 commission pledge the credit of any of the member states, except by and with  
2 authority of the member state.

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

10 Sec. 8. Cooperation.

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

15 Sec. 9. Declaration of interstate compact on the transfer of public  
16 lands goals.

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

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

22 (b) Develop and draft model uniform legislation for member states to  
23 send to their federal delegation for introduction in congress for the  
24 transfer of federally controlled public lands to the respective member  
25 state governments; and

26 (c) Develop legal strategies for securing state sovereignty and ju-  
27 risdiction over federally controlled public lands within member state  
28 boundaries.

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

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

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