

REFERENCE TITLE: natural resources; federal law; requirements

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2059

Introduced by
Representatives Fink: Keshel, Powell

AN ACT

AMENDING TITLE 1, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY
ADDING SECTION 1-273; RELATING TO SOVEREIGN AUTHORITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 1, chapter 2, article 4, Arizona Revised Statutes,
3 is amended by adding section 1-273, to read:

4 1-273. Sovereign authority; natural resources;
5 anticommandeering; exception; standard of review;
6 civil penalty; violation; classification

7 A. PURSUANT TO THE SOVEREIGN AUTHORITY OF THIS STATE AND ARTICLE
8 II, SECTION 3, CONSTITUTION OF ARIZONA, THIS STATE AND ANY POLITICAL
9 SUBDIVISION OF THIS STATE, OR AN EMPLOYEE OF AN AGENCY OF THIS STATE OR
10 ANY POLITICAL SUBDIVISION OF THIS STATE ACTING IN THE EMPLOYEE'S OFFICIAL
11 CAPACITY, MAY NOT DO ANY OF THE FOLLOWING:

12 1. KNOWINGLY AND WILLINGLY PARTICIPATE IN ANY WAY IN THE
13 ENFORCEMENT OF ANY FEDERAL ACT, LAW, ORDER, RULE OR REGULATION THAT
14 RELATES TO COAL, OIL, GAS, TIMBER OR OTHER EXTRACTIVE RESOURCES OR
15 DOWNSTREAM INDUSTRIES RELATED TO THE EXTRACTIVE RESOURCES, IF THE FEDERAL
16 ACT, LAW, ORDER, RULE OR REGULATION DOES NOT EXIST PURSUANT TO THE LAWS OF
17 THIS STATE.

18 2. USE ANY ASSETS, STATE MONIES, OR MONIES ALLOCATED BY THIS STATE
19 TO A LOCAL ENTITY ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION, IN WHOLE
20 OR IN PART, TO ENGAGE IN ANY ACTIVITY THAT AIDS A FEDERAL AGENCY, FEDERAL
21 AGENT OR CORPORATION PROVIDING SERVICES TO THE FEDERAL GOVERNMENT IN THE
22 ENFORCEMENT OR ANY INVESTIGATION PURSUANT TO THE ENFORCEMENT OF ANY
23 FEDERAL ACT, LAW, ORDER, RULE OR REGULATION THAT RELATES TO COAL, OIL,
24 GAS, TIMBER OR OTHER EXTRACTIVE RESOURCES OR DOWNSTREAM INDUSTRIES RELATED
25 TO THE EXTRACTIVE RESOURCES IF THE FEDERAL ACT, LAW, ORDER, RULE OR
26 REGULATION DOES NOT EXIST PURSUANT TO THE LAWS OF THIS STATE.

27 B. THIS SECTION DOES NOT PROHIBIT THIS STATE OR ANY POLITICAL
28 SUBDIVISION OF THIS STATE, OR AN EMPLOYEE OF AN AGENCY OF THIS STATE OR
29 ANY POLITICAL SUBDIVISION OF THIS STATE ACTING IN THE EMPLOYEE'S OFFICIAL
30 CAPACITY, FROM COMPLYING WITH A COURT ORDER.

31 C. IN ANY PROCEEDING TO ENFORCE COMPLIANCE WITH A FEDERAL ACT, LAW,
32 ORDER, RULE OR REGULATION THAT RELATES TO COAL, OIL, GAS, TIMBER OR OTHER
33 EXTRACTIVE RESOURCES OR DOWNSTREAM INDUSTRIES RELATED TO THE EXTRACTIVE
34 RESOURCES, THE COURT SHALL DECIDE ALL QUESTIONS OF LAW AND QUESTIONS OF
35 FACT RELATING TO THE FEDERAL ACT, LAW, ORDER, RULE OR REGULATION WITHOUT
36 DEFERENCE TO ANY PREVIOUS DETERMINATION THAT MAY HAVE BEEN MADE ON THE
37 QUESTION BY A FEDERAL AGENCY.

38 D. ANY AGENT OR EMPLOYEE OF THIS STATE OR OF ANY POLITICAL
39 SUBDIVISION OF THIS STATE WHO KNOWINGLY VIOLATES THIS SECTION, ON A FIRST
40 VIOLATION, IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN \$3,000 AND, ON A
41 SECOND OR SUBSEQUENT VIOLATION, IS GUILTY OF A CLASS 1 MISDEMEANOR. A
42 PERSON WHO IS GUILTY OF A CLASS 1 MISDEMEANOR IS NOT ELIGIBLE FOR
43 PROBATION, PARDON, SUSPENSION OF SENTENCE OR RELEASE ON ANY BASIS UNTIL
44 THE PERSON HAS SERVED NOT LESS THAN SIXTY DAYS IN JAIL.

1 E. A POLITICAL SUBDIVISION OF THIS STATE MAY NOT RECEIVE STATE
2 GRANT MONIES IF THE POLITICAL SUBDIVISION ADOPTS A RULE, ORDER, ORDINANCE
3 OR POLICY UNDER WHICH THE POLITICAL SUBDIVISION VIOLATES THIS SECTION. THE
4 POLITICAL SUBDIVISION MAY NOT RECEIVE ANY STATE GRANT MONIES IN THE FISCAL
5 YEAR FOLLOWING THE YEAR IN WHICH A FINAL JUDICIAL DETERMINATION IN AN
6 ACTION BROUGHT PURSUANT TO THIS SECTION IS MADE THAT THE POLITICAL
7 SUBDIVISION HAS INTENTIONALLY REQUIRED ACTIONS THAT VIOLATE THIS SECTION.

8 Sec. 2. Legislative findings

9 The legislature finds that:

10 1. In enacting this act, the legislature intends to protect Arizona
11 employees, including law enforcement officers, from being directed,
12 through federal executive orders, agency orders, statutes, laws, rules or
13 regulations in effect on or after the effective date of this act, to
14 violate the person's oath of office and rights affirmed under the Tenth
15 Amendment to the United States Constitution.

16 2. Pursuant to and in furtherance of the principles of federalism
17 enshrined in the United States Constitution, and recognized by the Supreme
18 Court of the United States, the federal government may not commandeer this
19 state's officers, agents or employees to participate in the enforcement or
20 facilitation of any federal act or regulatory program.

21 3. The right to be free from the commandeering hand of the federal
22 government has been recognized by the Supreme Court of the United States
23 in New York v. United States, 505 U.S. 144 (1992) and Printz v. United
24 States, 521 U.S. 898 (1997), among other cases, with the court
25 consistently holding that the federal government may neither issue
26 directives requiring the states to address particular problems, nor
27 command the states' officers, or those of their political subdivisions, to
28 administer or enforce a federal regulatory program.

29 4. The anticommandeering principles recognized by the Supreme Court
30 of the United States in New York v. United States, 505 U.S. 144 (1992) and
31 Printz v. United States, 521 U.S. 898 (1997), among other cases, are
32 predicated on the advice of James Madison, who in Federalist Number 46
33 advised "a refusal to cooperate with officers of the Union" in response to
34 either unconstitutional federal measures or constitutional but unpopular
35 federal measures.

36 Sec. 3. Severability

37 If a provision of this act or its application to any person or
38 circumstance is held invalid, the invalidity does not affect other
39 provisions or applications of the act that can be given effect without the
40 invalid provision or application, and to this end the provisions of this
41 act are severable.

42 Sec. 4. Short title

43 This act may be cited as the "Natural Resources Anticommandeering
44 Act".