

House Engrossed

federal lands; transfer to states

State of Arizona
House of Representatives
Fifty-sixth Legislature
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HOUSE CONCURRENT MEMORIAL 2005

A CONCURRENT MEMORIAL

URGING THE UNITED STATES CONGRESS AND PRESIDENT TO ENACT LEGISLATION TO
GIVE WESTERN STATES A PERCENTAGE OF FEDERALLY OWNED LAND.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 To the President and Congress of the United States of America:

2 Your memorialist respectfully represents:

3 Whereas, the federal government is the largest landowner in the
4 United States, controlling almost one-third of the entire land in the
5 country, over 90% of which is located in Western States; and

6 Whereas, conveying title and jurisdiction of federal public lands to
7 the states was promised in congressional resolutions in 1780, the Land
8 Ordinance of 1784 and the Northwest Ordinance of 1787, among others; and

9 Whereas, it was not until the enactment of the Federal Land Policy
10 and Management Act of 1976 that Congress unilaterally declared a change in
11 federal public lands policy to one of permanent federal ownership; and

12 Whereas, once land is taken by the federal government, it is often
13 squandered, locked away forever from economic production; and

14 Whereas, federal ownership of vast amounts of lands eliminates or
15 restricts reasonable and thoughtful use of these natural resources for
16 multiple purposes, such as recreation, grazing, mining, energy development
17 and forestry; and

18 Whereas, the promise and duty of the federal government to timely
19 dispose of the public lands is the same in the enabling acts for all newly
20 created states both east and west of Colorado; and

21 Whereas, because of the breach of states' enabling acts, and the
22 resulting damages, the United States Congress should immediately dispose
23 of the public lands lying within the State of Arizona and other Western
24 States directly to those states; and

25 Whereas, the State of Arizona is composed of 113,417 square miles of
26 land, of which 42% is federally owned, nontribal land that is unavailable
27 for economic development and not part of the property tax base; and

28 Whereas, the great strength of Arizona and other Western States lies
29 in the value of their lands and the ability for the public to access those
30 lands for a variety of economic and recreational uses; and

31 Whereas, the low percentage of private and state lands in the West
32 places these states at a significant economic disadvantage and restricts
33 their ability to adequately provide for the future; and

34 Whereas, the federal government has done an exceedingly poor job of
35 stewarding these resources as a result of decades of dysfunctional federal
36 bureaucracy. The federal government has mismanaged public lands
37 economically and ecologically, while handcuffing local control; and

38 Whereas, state ownership of public lands is more efficient,
39 thoughtful, accountable and locally driven, which improves public access,
40 environmental health and economic productivity.

41 Wherefore your memorialist, the House of Representatives of the State of
42 Arizona, the Senate concurring, prays:

43 1. That the United States Congress immediately pass and the
44 President sign legislation that requires 30% of all federally controlled

1 lands in the West to be given to their respective states by 2030 under the
2 equal footing doctrine as enshrined in the United States Constitution.

3 2. That the United States Congress engage in good faith
4 communication, cooperation, coordination and consultation with Western
5 States regarding the immediate disposal of the public lands directly to
6 those states.

7 3. That the Secretary of State of the State of Arizona transmit
8 copies of this Memorial to the President of the United States, the
9 President of the United States Senate, the Speaker of the United States
10 House of Representatives and each Member of Congress from the State of
11 Arizona.