

REFERENCE TITLE: public lands; ownership; control; litigation

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

HB 2210

Introduced by

Representatives Finchem: Allen J, Barton, Bowers, Boyer, Clodfelter,
Cobb, Cook, Farnsworth E, Grantham, John, Kern, Lawrence, Leach,
Livingston, Mitchell, Norgaard, Nutt, Payne, Rivero, Shooter, Stringer,
Thorpe, Toma, Townsend, Weninger, Senators Allen S, Borrelli, Burges,
Farnsworth D, Griffin, Kavanagh, Petersen, Smith

AN ACT

DIRECTING THE ATTORNEY GENERAL TO COMMENCE AN ACTION TO ATTEMPT TO GAIN OWNERSHIP OR CONTROL OF THE PUBLIC LANDS WITHIN THIS STATE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Public lands; ownership and control; attorney
3 general; analysis; litigation; delayed repeal

4 A. On or before September 17, 2018, the attorney general shall
5 analyze at least the following legal theories that this state may pursue
6 to attempt to gain ownership or control of the public lands within this
7 state:

8 1. The equal sovereignty principle, which recognizes that for a
9 federal republic such as the United States to function, each member of the
10 republic must be equal in sovereign power.

11 2. The equal footing doctrine, which recognizes that each state
12 must be admitted to the United States on an equal footing with the
13 original thirteen states.

14 3. The compact theory, which recognizes that a compact was formed
15 between this state and the federal government under which this state
16 agreed to allow the federal government to retain land within its borders
17 and the federal government agreed to promptly and completely dispose of
18 that land by sale or grant.

19 4. The property clause, which recognizes that the framers of the
20 United States Constitution intended to grant the power to regulate federal
21 lands only in the context of disposal, not to permanently retain the
22 majority of the land within a state.

23 B. On or before October 1, 2018, the attorney general shall submit
24 a report of the attorney general's analysis pursuant to subsection A of
25 this section to the president of the senate and the speaker of the house
26 of representatives.

27 C. On or after November 1, 2018, and after consulting with the
28 president of the senate and the speaker of the house of representatives,
29 the attorney general may commence an action to attempt to gain ownership
30 or control of the public lands within this state.

31 D. This section is repealed from and after September 30, 2026.