

REFERENCE TITLE: land management; federal regulations; nullification

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
Second Regular Session  
2020

## **HB 2252**

Introduced by  
Representative Blackman

AN ACT

AMENDING TITLE 37, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 21; RELATING TO FEDERAL REGULATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 37, chapter 2, Arizona Revised Statutes, is  
3 amended by adding article 21, to read:

4 ARTICLE 21. FEDERAL REGULATIONS

5 37-620.41. Federal regulations; invalidity in this state

6 A. THIS STATE DECLARES THAT ALL REGULATIONS IMPOSED IN THIS STATE  
7 BY THE UNITED STATES BUREAU OF LAND MANAGEMENT OR ANY OTHER FEDERAL AGENCY  
8 BEFORE, ON OR AFTER JULY 1, 2020 ARE VOID AND OF NO EFFECT IN THIS STATE.

9 B. THIS STATE SHALL PROVIDE FOR THE PROPER USE, PROTECTION AND  
10 MANAGEMENT OF THE LANDS AND RESOURCES WITHIN THE BORDERS OF THIS STATE.

11 C. IT IS THE DUTY OF THE LEGISLATURE OF THIS STATE TO ADOPT AND  
12 ENACT ALL LAWS AND APPROPRIATIONS CONCERNING LAND AND RESOURCE MANAGEMENT  
13 IN THIS STATE.

14 Sec. 2. Legislative findings

15 The Legislature finds that:

16 1. The Tenth Amendment to the Constitution of the United States  
17 reads as follows: "The powers not delegated to the United States by the  
18 Constitution, nor prohibited by it to the States, are reserved to the  
19 States respectively, or to the people."

20 2. The Tenth Amendment defines the total scope of federal power as  
21 being that which is specifically granted by the Constitution of the United  
22 States and no more.

23 3. The scope of power defined by the Tenth Amendment means that the  
24 federal government was created by the states specifically to be an agent  
25 of the states.

26 4. Article VI of the Constitution of the United States provides  
27 that federal laws are supreme only when made "in pursuance" of the  
28 Constitution of the United States.

29 5. Article I, section 8, clause 17 of the Constitution of the  
30 United States provides no authority for the United States government to  
31 maintain control over vast sections of lands within any State of the Union  
32 once it is no longer a territory. States may not be made into first- or  
33 second-class states by Congress refusing to deed public lands to the  
34 states. Article I, section 8, clause 17 provides only that the federal  
35 government may have jurisdiction over the District of Columbia as the seat  
36 of the government of the United States, not exceeding ten square miles.  
37 All other places the federal government may control only if "purchased by  
38 the Consent of the Legislature of the State in which the Same shall be,  
39 for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other  
40 needful Buildings." Ownership of forests, deserts and park lands is not  
41 authorized for the federal government, nor, therefore, are the United  
42 States Bureau of Land Management, United States Forest Service or National  
43 Park Service required as the states can manage the lands within their  
44 borders.

1           6. The rulemaking authority of the United States Bureau of Land  
2 Management is not authorized by the Constitution of the United States and  
3 violates its true meaning and intent as given by the founders and  
4 ratifying states.