

REFERENCE TITLE: federal land acquisition; acreage return

State of Arizona  
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## **HCM 2004**

Introduced by

Representatives Smith: Biasiucci, Carbone, Chaplik, Diaz, Dunn, Gillette, Grantham, Griffin, Heap, Hendrix, Jones, Livingston, Marshall, Martinez, McGarr, Montenegro, Parker B, Parker J, Payne, Peña, Pingerelli, Wilmeth

A CONCURRENT MEMORIAL

URGING THE UNITED STATES CONGRESS AND PRESIDENT TO ENACT LEGISLATION THAT REQUIRES THE FEDERAL GOVERNMENT TO PROVIDE AN ACRE-FOR-ACRE OFFSET WHEN ACQUIRING PUBLIC 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, at the time of Arizona's Enabling Act, the course and  
4 practice of the United States Congress with all prior states admitted to  
5 the Union had been to fully dispose, within a reasonable time, of all  
6 lands within the boundaries of such states, except for those Indian lands,  
7 or lands otherwise expressly reserved to the exclusive jurisdiction of the  
8 United States; and

9 Whereas, the authority of state and local governments to promote the  
10 highest value and use of land is critical to funding education and other  
11 essential government services; and

12 Whereas, under the Federal Land Policy and Management Act of 1976,  
13 federal land policy changed from one of disposal, in which land would  
14 enter the state tax rolls, to permanent federal retention as untaxable  
15 public land; and

16 Whereas, nearly 50% of all land in Arizona is already under federal  
17 management, and the majority of Arizona's lands are restricted from public  
18 access, recreation and economic development; and

19 Whereas, imposing federal preservation management on Arizona lands  
20 obstructs this state's land management objectives and principles; and

21 Whereas, the United States Congress empowered the Department of the  
22 Interior to acquire any interest in lands, water rights or surface rights  
23 to lands, inside or outside of existing reservations, to provide land for  
24 tribal governments and individual Indians. Off-reservation lands acquired  
25 through these processes potentially raise jurisdictional uncertainties in  
26 local communities, complicate land-use planning and provision of services  
27 and cause economic consequences for surrounding communities; and

28 Whereas, Arizona should have had total control over its public lands  
29 from 1912, plus a reasonable time for disposition of the lands; and

30 Whereas, had the national government disposed of the land in or  
31 about 1912, Arizona would have generated, from that point forward,  
32 substantial tax revenues to the benefit of its public schools and to the  
33 common good of the state; and

34 Whereas, the conservation of wildlife resources is the trust  
35 responsibility of the Arizona Game and Fish Commission, and this  
36 responsibility extends to all lands within Arizona to ensure abundant  
37 wildlife resources for current and future generations; and

38 Whereas, recent federal initiatives attempt to erode property  
39 rights, pilfer more public land and redesignate multi-use land as  
40 conservation land; and

41 Whereas, Arizona has been damaged by the inordinate cost and  
42 substantial uncertainty regarding the national government's infringement  
43 on Arizona's sovereign control of public lands within its borders; and

44 Whereas, the greatest threat to the lands of Arizona is the  
45 intrusion and overreach of the federal government.

1 Wherefore your memorialist, the House of Representatives of the State of  
2 Arizona, the Senate concurring, prays:  
3 1. That the United States Congress immediately pass and the  
4 President sign legislation that requires the federal government to give  
5 one of the following to the applicable county or the state for every acre  
6 of county or state land acquired or federal public domain land expressly  
7 reserved or withdrawn by the federal government:  
8 (a) An acre of land of equal or greater size and value, as  
9 determined by the applicable county or the state.  
10 (b) In the absence of land of equal or greater size and value, both  
11 of the following:  
12 (i) Land of a size and value as proximate as possible to the size  
13 and value of the acquired, reserved or withdrawn land, as determined by  
14 the applicable county or the state.  
15 (ii) In lieu payments to the applicable county or the state for the  
16 value of the difference, as determined by the applicable county or the  
17 state.  
18 2. That the Secretary of State of the State of Arizona transmit  
19 copies of this Memorial to the President of the United States, the  
20 President of the United States Senate, the Speaker of the United States  
21 House of Representatives and each Member of Congress from the State of  
22 Arizona.