

THORPE FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2700
(Reference to printed bill)

1 Page 1, line 5, after "report" insert "; recovery of state lands; documentation of
2 federal authority"

3 Line 6, before "THE" insert "A."

4 Line 7, after "ACQUIRED" insert "OR RECLASSIFIED"

5 Line 10, after "CODE" insert "SECTION"; after the parenthesis insert "OR
6 WILDERNESS AREAS"; after "ACQUISITION" insert "OR RECLASSIFICATION"

7 Between lines 41 and 42, insert:

8 B. THE LEGISLATURE AND THE ATTORNEY GENERAL SHALL TAKE ALL STEPS, IF
9 DEEMED NECESSARY, TO RECOVER AND ACQUIRE ALL STATE LANDS WITHIN THIS STATE
10 THAT HAVE BEEN ACQUIRED BY THE FEDERAL GOVERNMENT, ESPECIALLY STATE LANDS
11 THAT HAVE BEEN ACQUIRED IN A MANNER THAT IS INCONSISTENT WITH THE LIMITED
12 ENUMERATED POWERS AND FUNCTIONS OF THE FEDERAL GOVERNMENT AS PRESCRIBED IN
13 THE CONSTITUTION OF THE UNITED STATES. STATE LANDS MAY BE RECOVERED OR
14 ACQUIRED FROM THE FEDERAL GOVERNMENT IN ANY APPROPRIATE MANNER, INCLUDING IN
15 LIEU LAND EXCHANGES BASED ON LAND VALUE AND NOT ACREAGE.

16 C. BEGINNING IN 2014 AND EVERY EVEN-NUMBERED YEAR THEREAFTER, THE
17 ATTORNEY GENERAL SHALL CONTACT THE PRESIDENT OF THE UNITED STATES, THE
18 SPEAKER OF THE UNITED STATES HOUSE OF REPRESENTATIVES, THE PRESIDENT OF THE
19 UNITED STATES SENATE AND THE CHIEF JUSTICE OF THE UNITED STATES SUPREME COURT
20 AND DEMAND DETAILED WRITTEN JUSTIFICATIONS THAT DOCUMENT THE SPECIFIC
21 CONSTITUTIONAL AUTHORITY THAT ALLOWS THE FEDERAL GOVERNMENT TO HOLD, TAKE OR
22 ACQUIRE LAND IN THIS SOVEREIGN STATE. THE ATTORNEY GENERAL SHALL REPORT TO
23 THE LEGISLATURE ANY RESPONSE OR LACK OF RESPONSE."

24 Line 43, after "that" insert ":"

1 1."

2 Page 2, after line 6, insert:

3 "2. The Third and Fifth Amendments of the Constitution of the United
4 States establish essential constitutional rights and protections of property.
5 Contrary to the Enabling Act of 1912, the federal withholding of over fifty
6 per cent of the sovereign lands in this state is further exacerbated by the
7 taking of hundreds of thousands of additional acres under the Antiquities Act
8 of 1906 (34 Stat. 225; 16 United States Code section 431) in stark
9 contradiction to the defined limitations of the Antiquities Act that state
10 "of land, the limits of which in all cases shall be confined to the smallest
11 area." In direct violation of article 1, section 8, clause 17 of the
12 Constitution of the United States, state lands have been taken for
13 nonenumerated federal purposes, without legislative approval and without the
14 constitutionally required just compensation paid to the state land trust for
15 the education of Arizona children as required by the Enabling Act. The
16 unique, coveted nature of these lands indicates that these lands are far more
17 valuable than typical lands, and so the state must receive higher than normal
18 just compensation for these lands, whether in a purchase price or by means of
19 an exchange for significantly more federally controlled lands located within
20 this state.

21 Sec. 3. Transmittal of this act

22 The Secretary of State of the State of Arizona shall transmit a copy of
23 this act to the President of the United States and each Member of Congress
24 from this state."

25 Amend title to conform

BOB THORPE

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03/07/2014
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