

1 SENATE JOINT MEMORIAL 53

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 William E. Sharer

5
6
7
8
9
10 A JOINT MEMORIAL

11 REQUESTING THAT THE LEGISLATIVE FINANCE COMMITTEE AND
12 APPROPRIATE INTERIM COMMITTEES EXAMINE THE IDEA OF TRANSFERRING
13 FEDERAL LANDS TO NEW MEXICO AND THAT THE COMMISSIONER OF PUBLIC
14 LANDS PURSUE THE TRANSFER OF FEDERAL DISPOSAL LANDS.

15
16 WHEREAS, the equal footing doctrine, Clause 1 of Section 2
17 of Article 4 of the United States constitution, ensures that
18 all states enter the union on the same basis; and

19 WHEREAS, the states of the western United States control
20 less than fifty percent of their land, while the states of the
21 eastern United States control over ninety-five percent of their
22 land; and

23 WHEREAS, fifty-two percent of the present severance tax on
24 New Mexico lands flows to the federal government, which is
25 money that would flow to the state were federal lands turned

.193254.3

underscored material = new
[bracketed material] = delete

underscoring material = new
[bracketed material] = delete

1 over to state management; and

2 WHEREAS, the total severance tax revenue received by New
3 Mexico is two hundred twenty-seven million dollars
4 (\$227,000,000) a year; and

5 WHEREAS, federal mineral leases bring an additional five
6 hundred two million dollars (\$502,000,000) to the state; and

7 WHEREAS, if New Mexico controlled these federal lands,
8 there would be an additional seven hundred twenty-nine million
9 dollars (\$729,000,000) a year to fund New Mexico's schools; and

10 WHEREAS, New Mexico has shown that it can manage its lands
11 at an approximate cost of one dollar (\$1.00) per acre, while
12 the federal government manages its lands at a cost of four
13 dollars (\$4.00) per acre; and

14 WHEREAS, lack of long-term federal planning and increased
15 federal regulation have meant that federal lands have become an
16 underused resource, resulting in a loss of economic development
17 for the state and for New Mexico's local communities; and

18 WHEREAS, New Mexico's Indian nations, tribes and pueblos
19 are intrinsic to the state's identity and their lands must
20 remain inviolate; and

21 WHEREAS, New Mexico's land grant communities are also
22 fundamental to the state's identity and their lands also must
23 remain inviolate; and

24 WHEREAS, New Mexico has a strong interest in protecting
25 its wilderness heritage for hunting, fishing and outdoor

.193254.3

underscoring material = new
~~[bracketed material] = delete~~

1 recreation; and

2 WHEREAS, New Mexico has an equally strong interest in
3 protecting its watersheds, particularly given the serious
4 drought that has gripped the southwest for many years; and

5 WHEREAS, the commissioner of public lands is considering a
6 request to the federal government to transfer one million acres
7 of federal disposal lands to state management to add to the
8 state's present acreage supporting the land grant permanent
9 funds; and

10 WHEREAS, the 2004 federal general accounting office report
11 entitled "The Treaty of Guadalupe Hidalgo: Findings and
12 Possible Options Regarding Longstanding Community Land Grant
13 Claims in New Mexico" declared that transferring federal lands
14 to the state's land grant communities was an option to be
15 considered to redress long-standing land grant claims; and

16 WHEREAS, in 2001 the legislature passed, and the governor
17 signed, Senate Bill 1, which declared that the United States
18 had forfeited jurisdictional supremacy of forest lands in the
19 state due to its inaction regarding conditions that make the
20 state's forests susceptible to wildfires; and

21 WHEREAS, a number of western states have taken the lead on
22 these issues and have begun to examine how federal lands might
23 be turned over to state management;

24 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
25 STATE OF NEW MEXICO that the New Mexico legislative council

.193254.3

underscoring material = new
~~[bracketed material] = delete~~

1 instruct the legislative finance committee and any interim
2 committees formed to consider economic and rural development,
3 Native American affairs or land grant issues to examine the
4 idea of transferring federal lands to the state; and

5 BE IT FURTHER RESOLVED that the commissioner of public
6 lands be requested to actively pursue the transfer of the one
7 million acres of federal disposal lands to state management;
8 and

9 BE IT FURTHER RESOLVED that copies of this memorial be
10 transmitted to the co-chairs of the New Mexico legislative
11 council and to the commissioner of public lands.