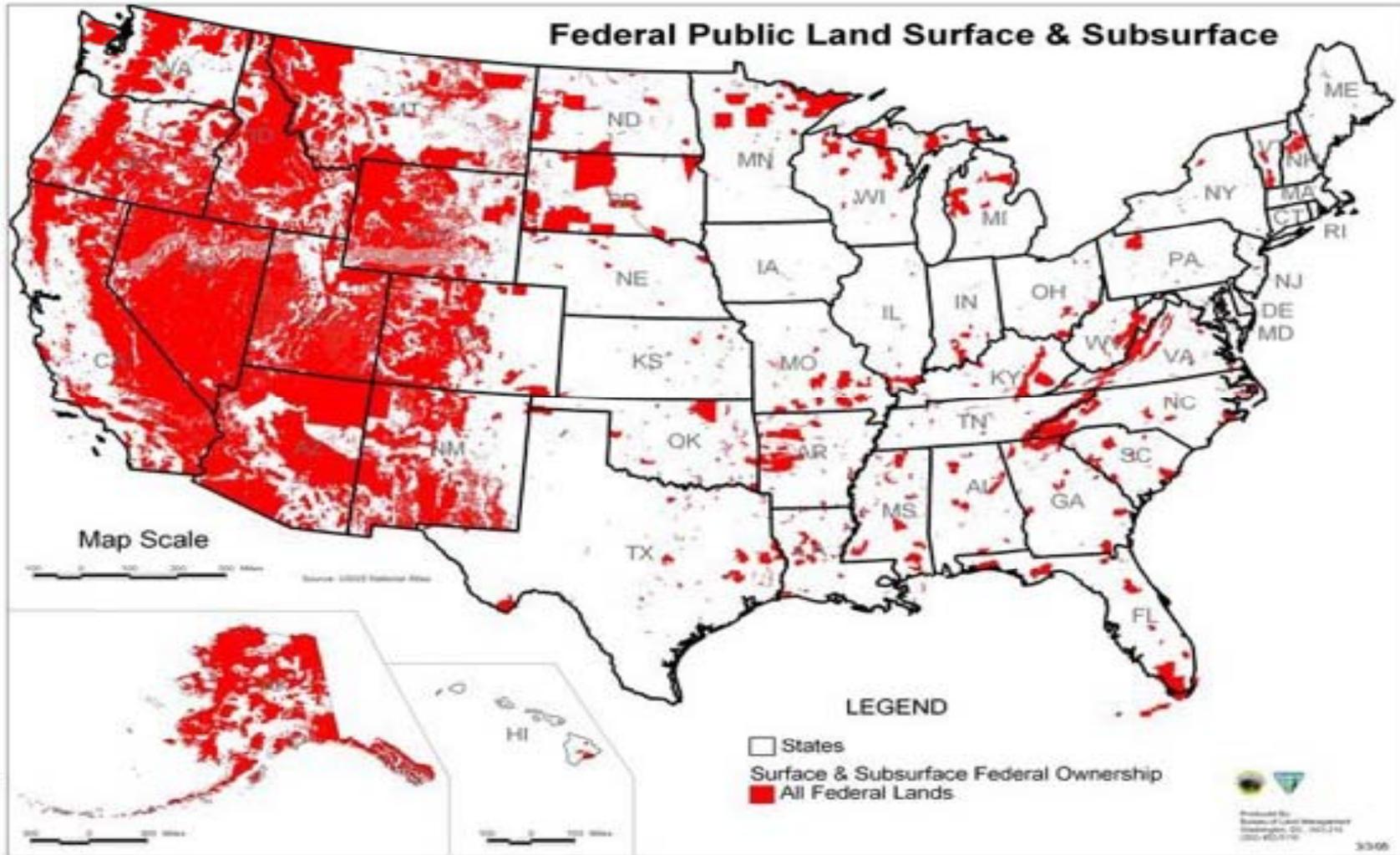


AreWeNotAState.com



See if this story sounds familiar . . .

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- The federal government is not disposing of our public lands as it promised;

See if this story sounds familiar .

• •

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- We can't tax the lands to adequately fund education;

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- We can't tax the lands to adequately fund education;
- Our ability to grow our economy and generate good paying jobs is stifled; and

See if this story sounds familiar . . .

- The federal government is not disposing of our public lands as it promised;
- We can't tax the lands to adequately fund education;
- Our ability to grow our economy and generate good paying jobs is stifled; and
- The federal government is exerting control over our minerals and abundant natural resources.

1828

20th Congress, 1st Session, House of Reps., Rep. No. 125, Graduate Price of Public Lands, February 5, 1828

Mr. Duncan, from the Committee on the Public Lands, to which the subject had been referred, made the following

REPORT:

If these lands are to be withheld from sale, which is the effect of the present system, in vain may the People of these States expect the advantages of well settled neighborhoods, so essential to the education of youth, and to the pleasures of social intercourse, and the advantages of religious instruction. **Those States will, for many generations, without some change, be retarded in endeavors to increase their comfort and wealth, by means of works of internal improvements, because they have not the power, incident to all sovereign States, of taxing the soil, to pay for the benefits conferred upon its owner by roads and canals.**

When these States stipulated not to tax the lands of the United States until they were sold, they rested upon the implied engagement of Congress to cause them to be sold, within a reasonable time. No just equivalent has been given those States for a surrender of an attribute of sovereignty so important to their welfare, and to an equal standing with the original States.

A remedy for such great evils may be found in carrying into effect **the spirit of the Federal Constitution, which knows of no inequality in the powers and rights of the several States;**

20th Congress No. 726. 2d Session

APPLICATION OF MISSOURI FOR A CHANGE IN THE SYSTEM OF
DISPOSING OF THE PUBLIC LANDS.

COMMUNICATED TO THE SENATE JANUARY 26, 1829.

To the Senate and House of Representatives of the United States:

The memorial of the general assembly of the State of Missouri respectfully showeth: That the system of disposing of the public lands of the United States now pursued **is highly injurious, in many respects, to the States in which those lands lie, . . . with the present condition of the western States**. But the general assembly will state that a perseverance in the present system manifestly appears to them to be . . . **an infringement of the compact** between the United States and this State; and that **the State of Missouri never could have been brought to consent not to tax the lands of the United States whilst unsold; and not to tax the lands sold until five years thereafter, if it had been understood by the contracting parties that a system was to be pursued which would prevent nine-tenths of those lands from ever becoming the property of persons in whose hands they might be taxed.**

Why the difference between the 1828
“Western States” and today’s Western States?

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The 1828 “Western States” . . .

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The 1828 “Western States” . . .

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- knew their rights;
- banded together; and

Why the difference between the 1828 “Western States” and today’s Western States?

The 1828 “Western States” . . .

- knew their public lands history;
- knew their rights;
- banded together; and
- refused to take “NO” for an answer.

The Promise to all states
at statehood
regarding their public lands
is the same . . .

Oil Production Keeps Recession at Bay in North Dakota

December 20, 2011

Kenneth Artz



Oil production in the Bakken shale formation is making unemployment virtually nonexistent in North Dakota. With 200 rigs pumping 440,000 barrels of oil per day, the state's unemployment rate is holding at 3.5 percent. Many of the jobs pay exceptionally well, with high school graduates making more than \$100,000 per year.

Jobs Looking for Workers

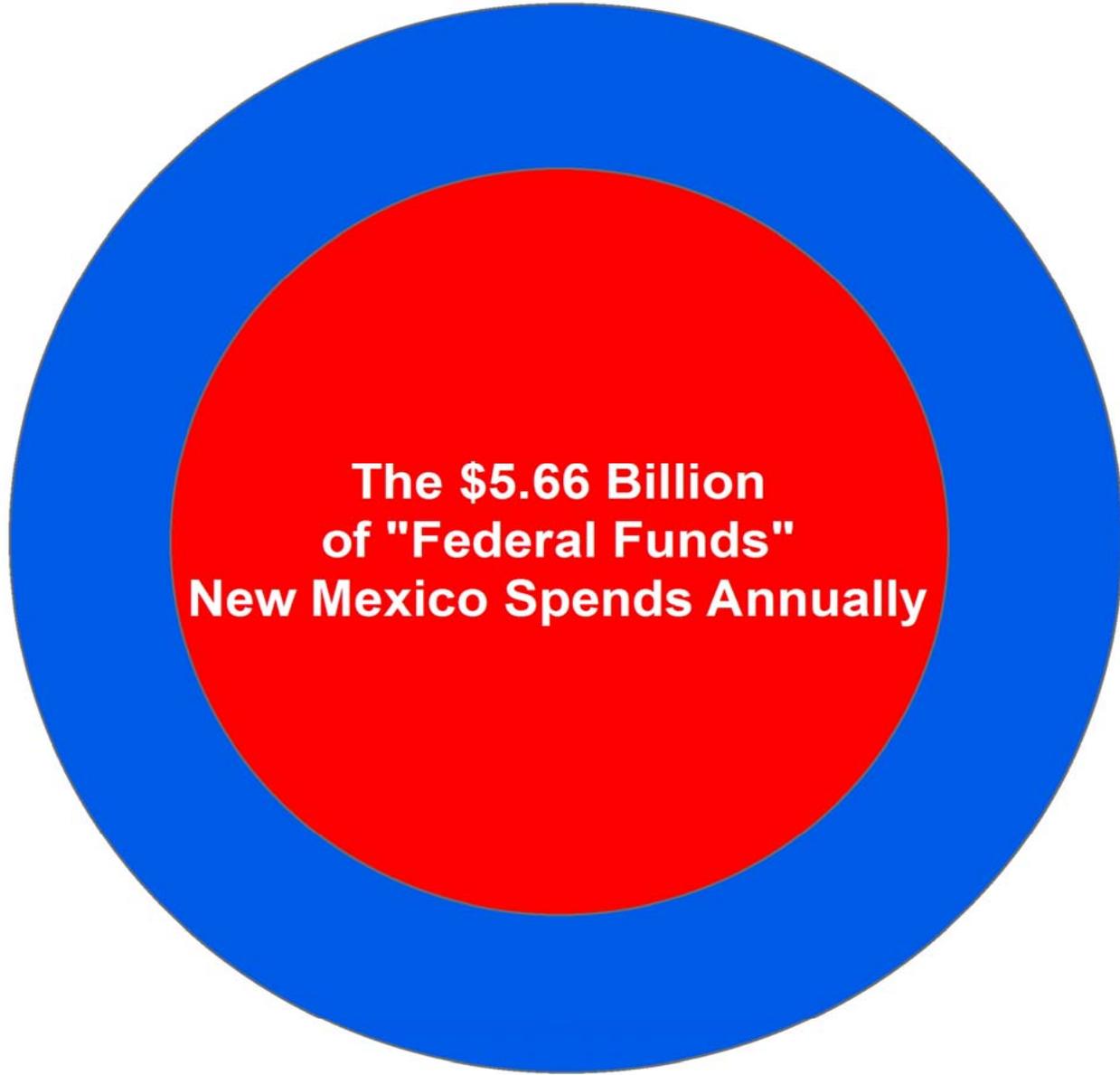
"We have 18,000 jobs looking for people," North Dakota Rep. Rich Berg (R) told the Hill, noting, "if our country's GDP grew at 7 percent, as it does in [my] state, most of our problems would be over in two years."

"The regulatory environment was already low in North Dakota, certainly better than California's and some other oil-producing states," said Brett Narloch, executive director of the North Dakota Policy Council. "As we move forward with oil production, I expect the business environment to get better."

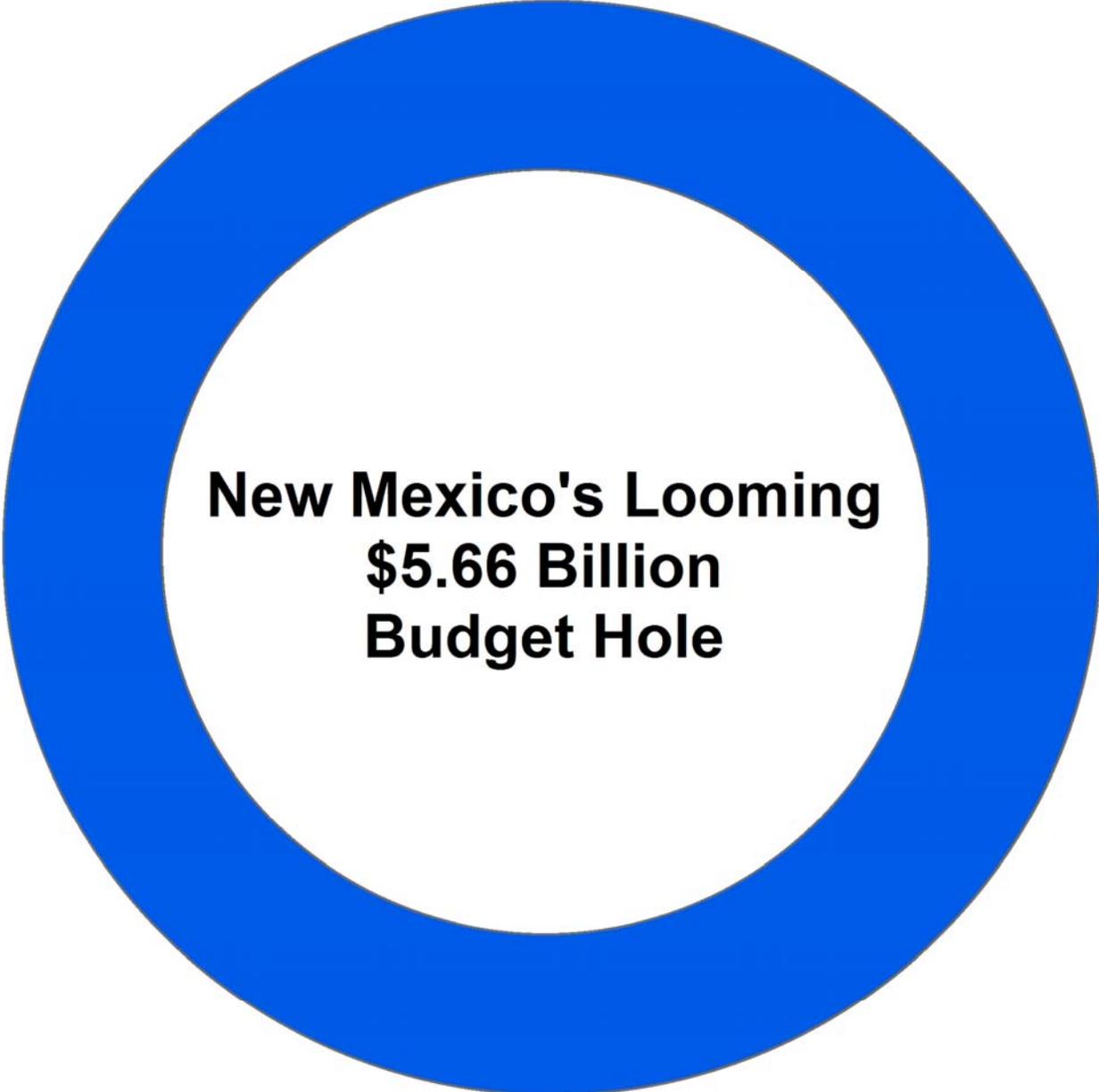
Amount that New Mexico is
below the national average
for per pupil funding: \$1000

Amount to get to “average”
(330,000 students X \$1,000):

\$3.3 Billion



36.4% Of Our Total Budget



**New Mexico's Looming
\$5.66 Billion
Budget Hole**

Erskine Bowles and Alan Simpson testifying to the
Senate Budget Committee, March 8, 2011
(2 min, 45 seconds)



<http://www.youtube.com/watch?v=5GLDkbEN3rE&list=UUNQ7Cg3VYFFhyvUdmetPDqQ&index=8&feature=plcp>

December 2, 2011

“If we don’t start immediately to reform entitlements, cut federal spending and increase revenues, **we have about three years until we face a total fiscal collapse. . . .** As to the 30-50% of your **state budgets** that comes from the federal government, **you have seen the high water mark.**”



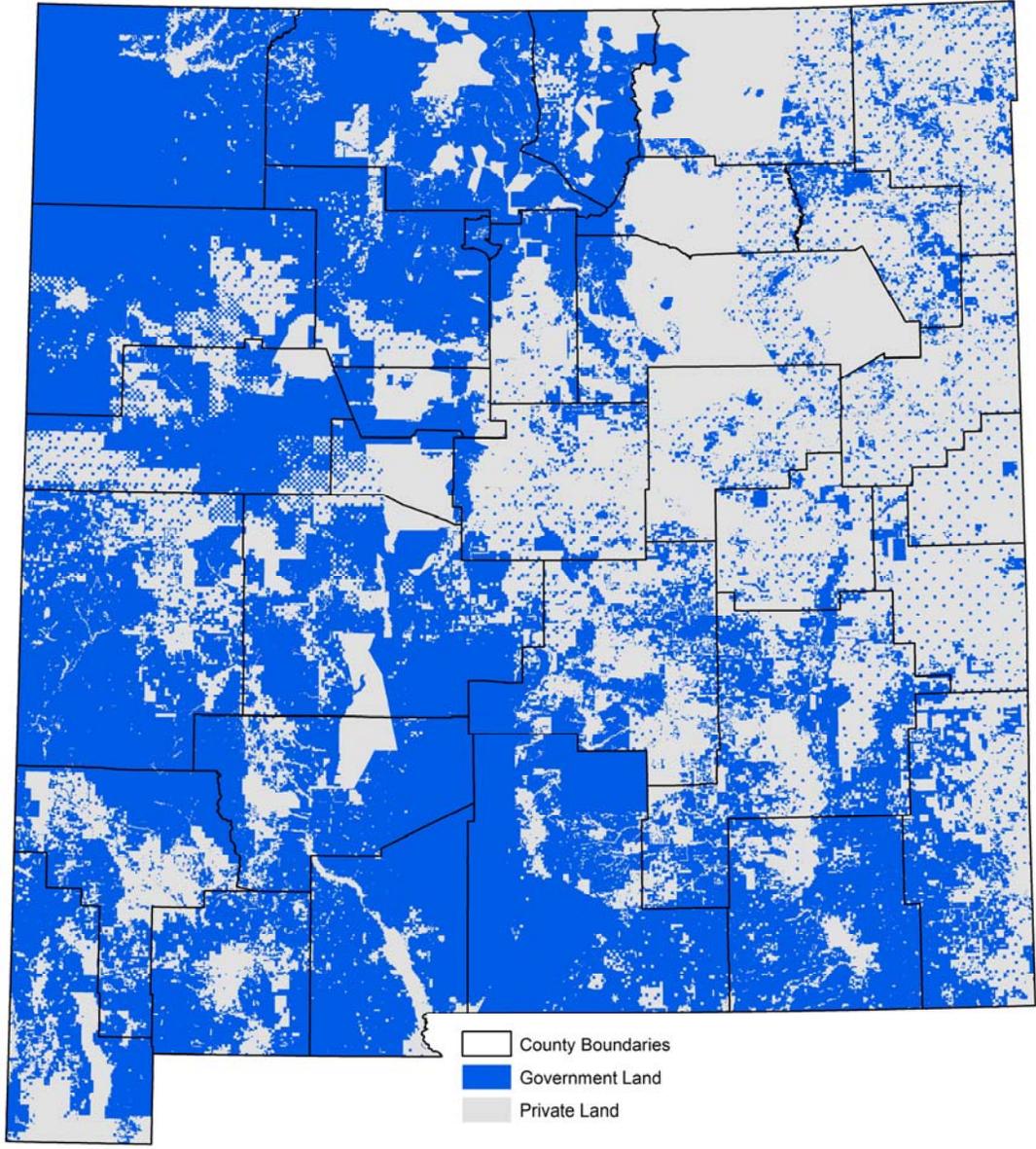
David Walker
Fmr. Comptroller General
of the United States
1998-2008

Hal Quinn
President and CEO
National Mining Association

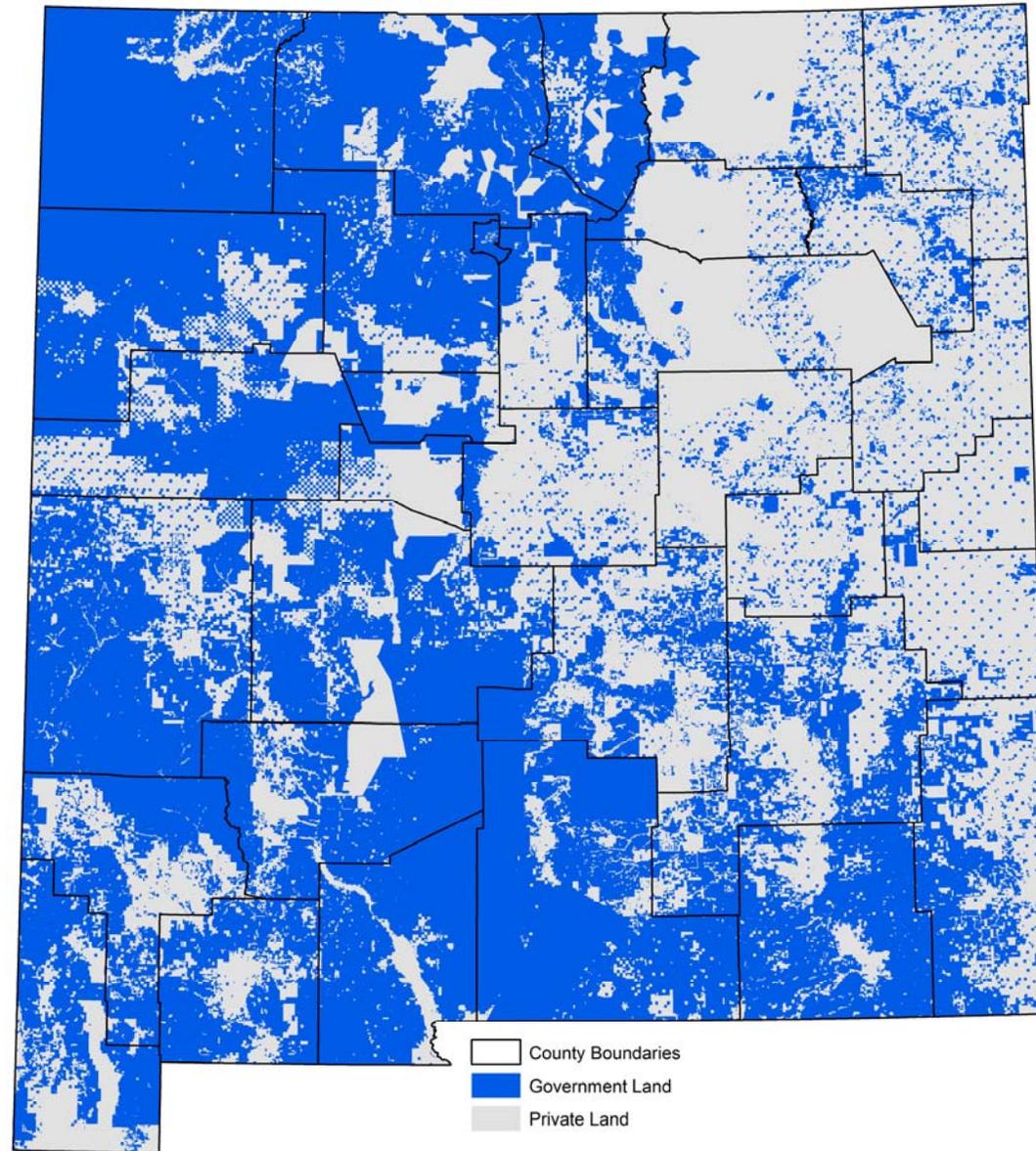
“Today, U.S. mining supports more than 1.1 million American jobs. By 2019, we will need to fill 128,000 new positions – a mere fraction of the growth we could achieve if mining weren’t plagued by an unpredictable regulatory framework and a permitting process riddled with unnecessary delays.

I spent time in New Mexico, where 40 percent of the land in the state belongs to the federal government. I was told that geology and science no longer dictate mineral exploration and permitting; instead, federal bureaucrats are keeping American resources locked up and out of use. It’s that type of unnecessary regulatory delay that is stopping companies and investors from doing business in the United States.”

6/19/2012



**We have
the
resources,
If we have
the will...**



The federal government collects royalties, rent and bonuses on minerals severed from federal and tribal lands.

Approximately half of the revenues are distributed to the states.

The State of New Mexico received only \$411.8 million in FY11.

4. 896 #1: P. 16/3

GRANTING REMAINING UNRESERVED
PUBLIC LANDS TO STATES

LIBRARY
UNIVERSITY OF UTAH
SALT LAKE CITY

HEARINGS

BEFORE THE
COMMITTEE ON PUBLIC LANDS AND SURVEYS
UNITED STATES SENATE
SEVENTY-SECOND CONGRESS
FIRST SESSION

ON

S. 17, 2272, and S. 4060

BILLS PROPOSING TO GRANT VACANT UNRESERVED
UNAPPROPRIATED LANDS TO ACCEPTING STATES
AND FOR OTHER PURPOSES

MARCH 15, 16, 19, 24, 29, AND 31, AND APRIL 1 AND 5, 1932

WITH INDEX

Printed for the use of the
Committee on Public Lands and Surveys



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1932

Governor Seligman, of New Mexico, under date of March 3, 1932~
writes the chairman of the committee as follows:

Hon. GERALD P. NYE,
United States Senator, Washington, D.C.

STATE OF NEW MEXICO,
Santa Fe, March 3, 1932.

My DEAR SENATOR: I am in receipt of your wire of March 1 advising of hearing on Senate bill 2272 and extending an invitation for New Mexico to be represented at this hearing. I hasten to thank you for the kind invitation and will be happy to have some one present if possible.

For your Information, may I state that it is the general opinion out here that the bill as now proposed would be of no benefit to New Mexico as it does not follow the language contained for our lands in our enabling act and that the bill as proposed gives divided authority and is in conflict with our constitution. A further objection that is made is that the Government reserves the mineral rights, which I am informed, would handicap our development of oil, potash, and sulphur which, as I understand it, also gives divided authority. I am also informed that our stockmen are opposed to the bill under present conditions.

I believe that Senators Cutting and Bratton are fully informed of the position of New Mexico, and personally I feel that their Judgment in the matter would be satisfactory to the people of New Mexico.

With high esteem and thanking you for wiring me, I am
Very sincerely yours,

ARTHUR SELIGMAN, *Governor.*

HB 148 Utah Transfer of Public Lands Act:

Establishes a deadline of December 31, 2014 for the federal government to “extinguish title” to the public lands;

- Utah **works with the federal government**, and a governing partner, to transfer of the public lands directly to the state;
- Charges Utah’s Constitutional Defense Council to prepare **legislation for the “uniquely sovereign” actions, including legal action, the state will take** to secure the promises at statehood (i.e. Enabling Act);
- **Protects the National Parks**, congressionally designated **wilderness lands**, and **other Utah heritage sites**;
- **Establishes the Utah Public Lands Commission to manage the multiple use and the sustainable yield of Utah’s abundant natural resources**;
 - **Existing uses** such as recreation, hunting, fishing, grazing, mining, etc. will be **protected and managed by the UPLC** (by Utahns, for Utahns, and our guests from around the world);
 - Five percent (5%) of the sales of the lands, if any, go to the Permanent Fund for public education, 95% go to pay down the public debt (disincentive to sell);
 - Most lands will be managed by the UPLC for multiple use with 100% of the mineral revenues controlled by the state.

What do detractors say?

“It’s unconstitutional”

U.S. Constitution, Article IV, Sec. 3 [New States], cl. 2

The Congress shall have **Power to dispose of** and make all **needful Rules and Regulations respecting the Territory** or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

2009 U.S. Supreme Court
Hawaii v. Office of Hawaiian Affairs
(Unanimous Decision)

“[T]he consequences of admission are instantaneous, and it ignores the uniquely sovereign character of that event ... to suggest that subsequent events [acts of Congress] somehow can diminish what has already been bestowed.’ And that proposition applies a fortiori [with even greater force] where virtually all of the State’s public lands . . . are at stake.”

United States Supreme Court, HAWAII et al. v. OFFICE OF HAWAIIAN AFFAIRS et al., certiorari to the supreme court of Hawaii, No. 07-1372, Argued February 25, 2009--Decided March 31, 2009

What do detractors say?

“You disclaimed title to these lands to become a state”

U.S. Supreme Court quotes the Northwest Ordinance

“. . . a provision has been usually inserted in the compacts by which new states have been admitted into the Union that such interference with **the primary disposal of the soil** of the United States shall never be made. Such provision was inserted in the act admitting Missouri, and it is embodied in the present constitution, with the further clause that the legislature shall also not interfere ‘with any regulation that Congress may find **necessary for securing the title in such soil to the *bona fide* purchasers.**’”

Gibson v. Chouteau, 80 U. S. 100 (1872)

What do detractors say?

“You can’t manage these
lands” (i.e. “you would rape and
pillage these lands”)

“These lands belong to everyone”

“Where do we mail the tax notice
to **Everyone**”?

Where's the Line for . . .

Where's the Line for . . .

- Adequately **educating our children?**
- Unleashing **full employment?**
- **Growing the economic pie** in our state and the nation?
- Providing for the **self-determination of our state?**

