

MINUTES
JOINT MEETING

**HOUSE RESOURCES & CONSERVATION COMMITTEE
SENATE RESOURCES & ENVIRONMENT COMMITTEE**

DATE: Monday, February 29, 2016

TIME: 1:30 P.M.

PLACE: Lincoln Auditorium

MEMBERS: Chairman Raybould, Vice Chairman Gestrin, Representatives Moyle, Andrus, Shepherd, Wood, Boyle, Vander Woude, Gibbs, Miller, Bateman, Burtenshaw, Mendive, VanOrden, Youngblood, Pence, Erpelding, Rubel
Chairman Bair, Vice Chairman Vick, Senators Siddoway, Heider, Nuxoll, Bayer, Hagedorn, Stennett, Lacey

**ABSENT/
EXCUSED:** Rep. Wood; Sen. Bayer

GUESTS: Bob Boeh, Idaho Forest Group; Tom Shultz, Idaho Department of Lands; Nora Rasure, USDA Forest Service; Leanne Marten, USDA Forest Service; Marten Trotter, USDA Forest Service; Andy Brunelle, USDA Forest Service; Norman Semanko, Idaho Water Users Association; Andy Boiner, Idaho Water Users Association; Jonathan Oppenheimer, Idaho Conservation League

Chairman Raybould called the meeting to order at 1:34 p.m.

George Wentz, Attorney at Law, Davillier Law Group of New Orleans, LA, introduced **Utah Representative Kevin Stratton** and **Utah Senator David Hinkins**, Co-Chairs on the Utah Commission for the Stewardship of Public Lands (UCSPL). Rep. Stratton commenced the presentation stating that the UCSPL was established to study, work with federal representatives; Utah's legislature, executive branch and attorney general; and make recommendations to the body as a whole for the protection and management of Utah's public lands, which include tremendous resources, five national parks and pristine wildernesses. Rep. Stratton said the UCSPL believes in the Constitutional right to life, liberty and the pursuit of happiness with the core of those rights being the stewardship to control property. Sale of public lands to the private sector is not their concern, although pieces of property that are a part of the 1976 Federal Public Land Management Act are a part of the equation. Utah has an \$8 billion tourist industry, and the UCSPL recognizes selling the land supporting that would damage Utah's economic vitality. To protect that economic vitality, it makes sense to transfer the public lands in Utah from federal to state control.

Senator Hinkins said a power line is being run through Utah from wind generated in Wyoming and going to California with no power delivery in Utah. In the process, the federal Bureau of Land Management is condemning private property in Utah without attempting to cooperate with the state. The federal government owns 66% of the land in Utah. Senator Hinkins remarked that he represents six counties in southeastern Utah, that are not being treated equally due to the tax structure on adjacent federally owned lands. Senator Hinkins shared examples and tax amounts and percentages for situations involving federal lands throughout Utah.

George Wentz, stated the federal dominion and treatment over lands in the 12 western states is not equal to that in the eastern 38 states of the United States. He said that the Constitution was designed by its founders to diffuse power among the states, and they were determined not to create a central government but a federation of states. In *Shelby County v Holder* (2013), U.S. Supreme Court Chief Justice Roberts addressed the issue of the sovereignty and equality of the states, opining that there is a fundamental principle of equal sovereignty among the states, which over 100 years ago was explained by the Supreme Court as a union of states equal in power, dignity and authority. Justice Roberts further stated that constitutional equality of the states is essential to the harmonious operation of the Republic and is a fundamental principal in assessing disparate treatment of states. Mr. Wentz remarked that from 1845 to 2013 the U.S. Supreme Court continued to say that states must all be sovereign and equal in power.

Mr. Wentz provided a history of eastern state ownership of western lands dating back to the Virginia Land Charter of 1609. October 10, 1780, the eastern state claims to western land were given up so that they would be held in trust by the federal government, and Congress said the unappropriated lands relinquished to the United States would be settled, formed into distinct republican states and have the same rights of sovereignty, freedom and independence as the other states. Mr. Wentz explained that in 1976 the federal government decided the land was theirs instead of holding it in trust for the states. Mr. Wentz stated that two rights that the U.S. Supreme Court recognizes that are fundamental sovereign states' rights are taxes and self government. Taxes are the fuel of self government and Idaho cannot tax 61% of its land because it is in federal hands. Mr. Wentz discussed the Equal Footing Doctrine which gave Idaho the same sovereignty the original 13 states received, and the Unified Theory Compact of 2013. The federal government reached a compact violating the equal sovereignty principle and the equal footing doctrine and that is a result that the Constitution doesn't allow.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 3:00 p.m.

Representative Raybould
Chair

Lorrie Byerly
Secretary