

Mar. 2, 1955

Dear Carl:

I thought we had worked out this Fort Huachuca hassle as the result of a visit here by Col. J. Otis Brown, Sixth Army, real estate division, from San Francisco.

Colonel Brown expressed the personal opinion which is so apparent to anyone when the facts are understood that concurrent jurisdiction works out more satisfactory than any other. And he advised Arizona officials, including two senators, that they could make what reservations the state might desire, including the right to tax, which is reserved in California.

We got the bill prepared, and on the third reading calendar in the senate when Dan Moore, Folsom Moore's son, came up from Bisbee with some Colonel McElroy from Fort Huachuca and started trying to dynamite the bill.

Carl We want to get this settled on a sound, fair basis, and we are convinced that concurrent jurisdiction is it. Moore inferred to Governor McFarland that passage of this bill--Sub-SB 45 would cause Fort Huachuca to be abandoned again. I frankly think he is trying to pull a fast one. It is no secret that many of the big shots at Bisbee have enjoyed special hunting privileges at the invitation of army brass on Fort Huachuca for years, despite the fact most of the area has been a state game refuge since 1917.

Mac suggested that I write you, and send you a copy of Sub-SB 45 which is enclosed, with senate judiciary committee amendments, which were adopted.

We need a letter to the effect that passage of this bill will not mean withdrawal of Fort Huachuca from Arizona. Can you get such a letter for us from someone in authority there? Frankly, Carl, it seems to me that the army officers who have been interfering in this legislation whereby the state of Arizona will cede certain jurisdiction over her sovereign territory--more than 3 million acres--are a little out of line. We only have one more week of the current legislative session, and may need a letter if this legislation is to be enacted.

We certainly appreciate the help you have given us, and the joint memorial on the Aztec lands is on its way to Washington.

Sincerely,

Ben Avery

USFH-00002331



Substitute S. B. 45

Introduced by Mr. Dove

AN ACT

RELATING TO PUBLIC LANDS; GRANTING CONCURRENT JURISDICTION OVER LAND RESERVED FROM THE PUBLIC DOMAIN FOR MILITARY PURPOSES; MAKING CERTAIN RESERVATIONS IN THE GRANT OF CONCURRENT JURISDICTION; AMENDING SECTIONS 11-603 AND 11-604, ARIZONA CODE OF 1939, AND AMENDING ARTICLE 6, CHAPTER 11, ARIZONA CODE OF 1939, BY ADDING SECTION 11-605.

Be it enacted by the Legislature of the State of Arizona:

1 Section 1. Sec. 11-603, Arizona Code of 1939, is amend-
2 ed to read:
3 11-603. CONCURRENT JURISDICTION GRANTED;
4 LIMITATION. * * * CONCURRENT jurisdiction over any
5 land in this state WHICH HAS BEEN OR MAY BE
6 HEREAFTER so acquired OR OVER ANY LAND IN

1 THIS STATE WHICH HAS BEEN OR MAY BE HERE-
2 AFTER ACQUIRED BY EXCHANGE for any of the pur-
3 poses aforesaid, and over any * * * land in this state
4 WHICH IS NOW or * * * MAY BE HEREAFTER HELD
5 BY THE UNITED STATES UNDER LEASE, EASE-
6 MENT, LICENSE, USE PERMIT OR OTHERWISE FOR
7 ANY OF THE PURPOSES AFORESAID, AND OVER
8 ANY LAND IN THIS STATE WHICH HAS BEEN OR
9 MAY BE HEREAFTER RESERVED FROM THE PUB-
10 LIC DOMAIN OR OTHER LAND OF THE UNITED
11 STATES FOR ANY OF THE PURPOSES AFORESAID,
12 is hereby ceded to the United States; but the jurisdiction so
13 ceded shall continue no longer than the * * * United States
14 shall own, * * * HOLD OR RESERVE such * * * land for
15 * * * ANY OF THE PURPOSES AFORESAID.

16 Sec. 2. Sec. 11-604, Arizona Code of 1939, is amended
17 to read:

18 11-604. RESERVATION OF RIGHTS. As to any land
19 over which * * * CONCURRENT jurisdiction is herein
20 ceded, the State of Arizona retains * * * jurisdiction * * *
21 ON AND OVER THE LAND FOR THE EXECUTION
22 OF CIVIL PROCESS AND CRIMINAL PROCESS IN
23 ALL CASES, AND THE STATE'S ENTIRE POWER OF
24 TAXATION INCLUDING THAT OF EACH STATE
25 AGENCY, COUNTY, CITY, OR OTHER POLITICAL
26 SUBDIVISION OF THE STATE; AND RESERVES TO
27 ALL PERSONS RESIDING ON SUCH LAND ALL CIV-
28 IL AND POLITICAL RIGHTS, INCLUDING THE
29 RIGHT OF SUFFRAGE, WHICH THEY MIGHT HAVE
30 WERE THIS CONSENT NOT GIVEN.

31 Sec. 3. Article 6, chapter 11, Arizona Code of 1939, is
32 amended by adding section 11-605, to read:

33 11-605. SETTLEMENT OF CONTROVERSIES. In
34 any area in which there is a controversy regarding juris-
35 diction, the governor, on his own motion or at the request
36 of the legislature, any state agency, county, city, or other
37 political subdivision, may appoint not to exceed five mem-
38 bers from the House of Representatives and the two sena-
39 tors from the county in which the controversy arises, to act
40 as a board of mediation for the purpose of making a study
41 of the controversy and recommending agreements govern-
42 ing the points of the dispute.

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JUDICIARY AMENDMENT TO SUBSTITUTE SENATE BILL 45

(Reference is to the Printed Bill)

Page 2, line 12, following the word "hereby" strike the word "ceded" and insert in lieu thereof the word "granted";

Page 2, line 12, following the word "but" strike the word "the" and insert the word "such";

Page 2, line 12, following the word "jurisdiction" strike the word "so";

Page 2, line 13, strike the word "ceded";

Page 2, line 20, strike the word "ceded" and insert in lieu thereof the word "granted";

Page 2, line 33, following the word "CONTROVERSIES." strike the word "In" and strike lines 34 through 42, and insert in lieu thereof the following:

"In any area in which there is a controversy regarding concurrent jurisdiction, the governor on his own motion or at the request of the legislature, any state agency, county, city or other political subdivision, shall appoint a committee of not to exceed seven members to make a study of the controversy and to recommend working agreements governing the points of the controversy; furthermore, the governor shall notify members of the legislature representing the county and district of such controversy who may participate in the negotiation proceedings to the extent that such participation shall not be deemed incompatible with their official duties as legislators."