

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

HR 1009

4
5 By: Representative S. Meeks

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7 **HOUSE RESOLUTION**

8 TO SUPPORT WESTERN STATES AND THE FEDERAL TRANSFER OF
9 PUBLIC LANDS TO THE WESTERN STATES; AND TO URGE THE
10 UNITED STATES CONGRESS TO ENGAGE IN GOOD FAITH
11 COMMUNICATION AND COOPERATION TO COORDINATE THE
12 TRANSFER OF TITLE TO THE WESTERN STATES.

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15 **Subtitle**

16 TO SUPPORT WESTERN STATES AND THE FEDERAL
17 TRANSFER OF PUBLIC LANDS TO THE WESTERN
18 STATES.

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20 WHEREAS, under Article IV, Section 3, of the United States
21 Constitution, "The congress shall have power to dispose of and make all
22 needful rules and regulations respecting the territory or other property
23 belonging to the United States;"; and

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25 WHEREAS, the Constitutional Convention intended this provision of the
26 Constitution to maintain the status quo that had been established to transfer
27 federal territorial lands only to create new states with the same rights of
28 sovereignty, freedom, and independence as the original states; and

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30 WHEREAS, under these express terms of trust, over time the states
31 claiming federal territorial land ceded their western land to the
32 confederated Union to allow the confederated government to dispose of the
33 lands only to create new states and apply the net proceeds of any sales of
34 the lands only to pay down the public debt; and

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36 WHEREAS, the United States Constitution contains no expression of



1 intent to authorize the federal government to indefinitely exercise control
2 over western public lands beyond the duty to manage the lands pending the
3 disposal of the lands to create new states, and therefore the lands should be
4 returned to the western states; and

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6 WHEREAS, in order to promote legitimate federal interests the western
7 states should upon transfer of the public lands directly to the state where
8 the public land is located agree to affirmatively cede lands for the national
9 park system, the national wilderness preservation system, and lands reserved
10 for federal military use, military parks, and military reservations to the
11 federal government under Article I, Section 8, Clause 17, of the United
12 States Constitution, on condition that the lands permanently remain national
13 park lands, and that they not be sold, transferred, left in substantial
14 disrepair, or conveyed to any party other than to the state where the land is
15 located; and

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17 WHEREAS, limiting the ability of western states to access and utilize
18 the public lands' natural resources within their borders is having a negative
19 impact upon the economy of the western states and therefore the economy of
20 the entire United States, including the State of Arkansas,

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22 NOW THEREFORE,

23 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-NINTH GENERAL
24 ASSEMBLY OF THE STATE OF ARKANSAS:

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26 THAT in order to provide a fair, just, and equitable remedy for the
27 federal government's past and continuing breaches of its solemn promises to
28 the western states, the House of Representatives:

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30 (1) Calls on the federal government to transfer title to all
31 federal public lands within the western states to the state where the land is
32 located;

33 (2) Urges the United States Congress to engage in good faith
34 communications, cooperation, and consultation with the western states to
35 coordinate the transfer of the public lands, and supports the western states
36 in these efforts;

1 (3) Calls upon the western states to agree, upon transfer of the
2 public lands, to affirmatively cede to the federal government all lands
3 currently designated as part of the National Park System under 16 U.S.C. §
4 1a-1, the National Wilderness Preservation System under 16 U.S.C. § 1131, or
5 for military use, military parks, or military reservations;

6 (4) Urges that if any public land in the western states be sold
7 to private owners, the net proceeds be paid to the Bureau of the Public Debt
8 to pay down the federal debt; and

9 (5) Calls on all other states of the United States to pass a
10 similar resolution in support of the transfer of the federal public lands to
11 the western states.

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13 BE IT FURTHER RESOLVED THAT upon its adoption copies of this resolution be
14 sent to the United States Department of the Interior, the Majority Leader of
15 the United States Senate, the Speaker of the United States House of
16 Representatives, the members of the Arkansas Congressional Delegation, and
17 the Governors, Senate Presidents, and Speakers of the House of
18 Representatives of the 49 other states.

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