

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015

HR 1011

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5 By: Representatives S. Meeks, Bell, Bentley, Brown, Copeland, Cozart, Deffenbaugh, Della Rosa, D.
6 Douglas, Farrer, C. Fite, L. Fite, Gonzales, Gossage, M. Gray, Hammer, Harris, Holcomb, House,
7 Johnson, Ladyman, Lampkin, Lemons, Lundstrum, Magie, McElroy, McNair, D. Meeks, Payton, Petty,
8 Pitsch, Richmond, Rushing, Scott, B. Smith, Sorvillo, Sullivan, Tosh, Vaught, Wallace, Womack

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10 **HOUSE RESOLUTION**

11 TO EXPRESS SUPPORT OF THE FEDERAL TRANSFER OF PUBLIC
12 LANDS TO THE WESTERN STATES OF THE UNITED STATES; AND
13 TO URGE THE UNITED STATES CONGRESS TO ENGAGE IN GOOD
14 FAITH EFFORTS TO COORDINATE THE TRANSFER OF TITLE TO
15 THE WESTERN STATES.

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18 **Subtitle**

19 TO EXPRESS SUPPORT OF THE FEDERAL
20 TRANSFER OF PUBLIC LANDS TO THE WESTERN
21 STATES OF THE UNITED STATES; AND TO URGE
22 THE UNITED STATES CONGRESS TO ENGAGE IN
23 GOOD FAITH EFFORTS TO COORDINATE THE
24 TRANSFER OF TITLE TO THE WESTERN STATES.

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27 WHEREAS, under Article IV, Section 3, of the United States
28 Constitution, "The Congress shall have power to dispose of and make all
29 needful rules and regulations respecting the territory or other property
30 belonging to the United States"; and

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32 WHEREAS, the Constitutional Convention intended this provision to
33 transfer federal territorial lands only to create new states with the same
34 rights of sovereignty, freedom, and independence as the original states; and

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36 WHEREAS, over time, states claiming federal territorial land ceded



1 their western land to the confederated Union to allow the confederated
2 government to dispose of the lands in order to create new states and apply
3 the net proceeds of any sales of the lands only to pay down the public debt;
4 and
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6 WHEREAS, the United States Constitution contains no expression of
7 intent to authorize the federal government to indefinitely exercise control
8 over western public lands beyond the duty to manage the lands pending the
9 disposal of the lands to create new states; and therefore the lands should be
10 returned to the western states; and
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12 WHEREAS, in order to promote legitimate federal interests, the western
13 states should upon transfer of the public lands directly to the state where
14 the public land is located, agree to affirmatively cede lands for the
15 National Park System, the National Wilderness Preservation System, and lands
16 reserved for federal military use, military parks, and military reservations
17 to the federal government under Article I, Section 8, Clause 17, of the
18 United States Constitution, on condition that the lands permanently remain
19 national park lands and that they not be sold, transferred, left in
20 substantial disrepair, or conveyed to any party other than to the state where
21 the land is located; and
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23 WHEREAS, limiting the ability of western states to access and utilize
24 the public lands' natural resources within their borders has a negative
25 impact on the economy of the western states and the economy of the entire
26 United States; and
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28 WHEREAS, in order to provide a fair, just, and equitable remedy for the
29 federal government's past and continuing breaches of its solemn promises to
30 the western states, the House of Representatives:

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

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

1 in these efforts;

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

7 (4) Urges that if any public land in the western states be sold to
8 private owners, 95% of the net proceeds be paid to the Bureau of the Public
9 Debt to pay down the federal debt; and

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

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14 NOW THEREFORE,

15 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETIETH GENERAL
16 ASSEMBLY OF THE STATE OF ARKANSAS:

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18 THAT the House of Representatives expresses support to the western
19 states of the United States of America and the federal transfer of public
20 lands to the western states, and urges the United States Congress to engage
21 in good faith communication and cooperation to coordinate the transfer of
22 title to the western states.

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24 BE IT FURTHER RESOLVED THAT upon adoption of this resolution an appropriate
25 copy be provided by the Chief Clerk of the House of Representatives to the
26 United States Department of the Interior, the Majority Leader of the United
27 States Senate, the Speaker of the United States House of Representatives, the
28 members of the Arkansas Congressional Delegation, and the governors, senate
29 presidents, and speakers of the house of representatives of the 49 other
30 states.

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