

HR 9 - AS INTRODUCED

2015 SESSION

15-0581
05/03

HOUSE RESOLUTION **9**

A RESOLUTION to express support for the federal return of public lands to the western states, and to urge the United States Congress to engage in good faith communication and cooperation to coordinate the return of title to the western states.

SPONSORS: Rep. Groen, Straf 10

COMMITTEE: Legislative Administration

ANALYSIS

This resolution expresses support for the return of public lands to the western states and urges the United States Congress to engage in good faith communication and cooperation to coordinate the return of title to the western states.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

A RESOLUTION to express support for the federal return of public lands to the western states, and to urge the United States Congress to engage in good faith communication and cooperation to coordinate the return of title to the western states.

1 Whereas, under Article IV, Section 3, of the United States Constitution, “The congress shall have
2 power to dispose of and make all needful rules and regulations respecting the territory or other
3 property belonging to the United States”; and

4 Whereas, the constitutional convention intended this provision of the Constitution to maintain
5 the status quo that had been established to transfer federal territorial lands only to create new
6 states with the same rights of sovereignty, freedom, and independence as the original states; and

7 Whereas, under these express terms of trust, over time the states claiming federal territorial
8 land ceded their western land to the confederated union to allow the confederated government to
9 dispose of the lands only to create new states and apply the net proceeds of any sales of the lands
10 only to pay down the public debt; and

11 Whereas, the United States Constitution contains no expression of intent to authorize the federal
12 government to indefinitely exercise control over western public lands beyond the duty to manage the
13 lands pending the disposal of the lands to create new states, and therefore the lands should be
14 returned to the western states; and

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

22 Whereas, limiting the ability of western states to access and utilize the public lands’ natural
23 resources within their borders is having a negative impact upon the economy of the western states
24 and therefore the economy of the entire United States; and

25 Whereas, in order to provide a fair, just, and equitable remedy for the federal government’s past
26 and continuing breaches of its solemn promises to the western states, the New Hampshire House of
27 Representatives:

28 I. Calls on the federal government to return title to all federal public lands within the
29 western states to the state where the land is located;

30 II. Urges the United States Congress to engage in good faith communication, cooperation,

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1 and consultation with the western states to coordinate the return of the public lands, and supports
2 the western states in these efforts;

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

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

9 V. Calls on all other states of the United States to pass a similar resolution in support of the
10 return of the federal public lands to the western states; now, therefore, be it

11 Resolved by the House of Representatives:

12 That the members of the House of Representatives of the state of New Hampshire, by this
13 resolution, express support to the western states of the United States of America and the federal
14 return of public lands to the western states, and urges the United States Congress to engage in good
15 faith communication and cooperation to coordinate the transfer of title to the western states; and

16 That upon its adoption, the house clerk forward copies of this resolution to the United States
17 Department of the Interior, the Majority Leader of the United States Senate, the Speaker of the
18 United States House of Representatives, each member of the New Hampshire congressional
19 delegation, and the governors, senate presidents, and speakers of the house of representatives of the
20 49 other states.