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## SENATE JOINT RESOLUTION NO. 227

Offered January 14, 2015

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*Memorializing the Congress of the United States to engage in good faith communication, cooperation, and consultation to coordinate the transfer of title of public lands to the western states and expressing the sense of the General Assembly in support of the western states in these efforts.*

Patron—Stanley

Referred to Committee on Rules

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

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

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

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

WHEREAS, in order to promote legitimate federal interests, the western states should upon transfer of the public lands directly to the state where the public land is located agree to affirmatively cede lands for the National Park System, lands for the National Wilderness Preservation System, and lands reserved for federal military use, military parks, and military reservations to the federal government under Clause 17 of Section 8 of Article I of the United States Constitution, on condition that the lands permanently remain national park lands, and that they not be sold, transferred, left in substantial disrepair, or conveyed to any party other than to the state where the land is located; and

WHEREAS, limiting the ability of western states to access and utilize the natural resources of the public lands within their borders is adversely affecting the economy of the western states and therefore the economy of the entire United States; and

WHEREAS, in order to provide a fair, just, and equitable remedy for the federal government's past and continuing breaches of its solemn promises to the western states; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Congress of the United States be urged to engage in good faith communication, cooperation, and consultation to coordinate the transfer of title of public lands to the western states; and, be it

RESOLVED FURTHER, That the Congress of the United States be called on to transfer title to all federal public lands within the western states to the state where the land is located; and, be it

RESOLVED FURTHER, That the western states be called upon to agree, upon transfer of the public lands, to cede affirmatively to the federal government all lands currently designated as part of the National Park System under 16 U.S.C. § 1a-1 or the National Wilderness Preservation System under 16 U.S.C. § 1131, or for military use, military parks, or military reservations; and, be it

RESOLVED FURTHER, That the Bureau of the Public Debt be paid 95 percent of the net proceeds of any public land in the western states that is sold to private owners, to be used to pay down the federal debt; and, be it

RESOLVED FURTHER, That the General Assembly of Virginia express its support for the western states in these efforts; and, be it

RESOLVED FINALLY, That the Clerk of the Senate transmit copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

INTRODUCED

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