

As Introduced

**131st General Assembly
Regular Session
2015-2016**

S. C. R. No. 13

Senator Jordan

Cosponsors: Senators Eklund, Hite, Patton, Seitz

A C O N C U R R E N T R E S O L U T I O N

To urge the United States Congress to transfer federal
public land within the western states to the state
where the land is located and to engage in good faith
communication and cooperation to coordinate the
transfers.

**BE IT RESOLVED BY THE SENATE OF THE STATE OF OHIO (THE HOUSE OF
REPRESENTATIVES CONCURRING):**

WHEREAS, Under Article IV, Section 3, 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 United States Constitution contains no 21
expression of intent to authorize the federal government to 22
indefinitely exercise control over western public lands beyond 23
the duty to manage the lands pending the disposal of the lands 24
to create new states, and therefore the lands should be returned 25
to the western states; and 26

WHEREAS, In order to promote legitimate federal interests, 27
the western states should upon transfer of the public lands 28
directly to the state where the public land is located agree to 29
affirmatively cede lands for the national park system, the 30
national wilderness preservation system, and lands reserved for 31
federal military use, military parks, and military reservations 32
to the federal government under Article I, Section 8, Clause 17, 33
of the United States Constitution, on condition that the lands 34
permanently remain national park lands, and that they not be 35
sold, transferred, left in substantial disrepair, or conveyed to 36
any party other than to the state where the land is located; and 37

WHEREAS, Limiting the ability of western states to access 38
and utilize the public lands' natural resources within their 39
borders is having a negative impact upon the economy of the 40
western states and therefore the economy of the entire United 41
States; now therefore be it 42

RESOLVED, That we, the members of the 131st General 43
Assembly of the State of Ohio, in order to provide a fair, just, 44
and equitable remedy for the federal government's past and 45
continuing breaches of its solemn promises to the western 46
states: 47

(1) Calls on the federal government to transfer title of 48
all federal public lands within the western states to the state 49
where the land is located; 50

(2) Urges the United States Congress to engage in good 51

faith communication, cooperation, and consultation with the 52
western states to coordinate the transfer of the public lands, 53
and supports the western states in these efforts; 54

(3) Calls upon the western states to agree, upon transfer 55
of the public lands, to affirmatively cede to the federal 56
government all lands currently designated as part of the 57
National Park System under 16 U.S.C. Section 1a-1, the National 58
Wilderness Preservation System under 16 U.S.C. Section 1131, or 59
for military use, military parks, or military reservations; 60

(4) Urges that if any public land, after being transferred 61
from the federal government to a state, is subsequently sold by 62
the state to a private owner, the net proceeds of the sale shall 63
be paid to the Bureau of the Public Debt and used to pay down 64
the federal debt; and 65

(5) Calls on all other states of the United States to pass 66
a similar resolution in support of the transfer of the federal 67
public lands to the western states; and be it further 68

RESOLVED, That we, the members of the 131st General 69
Assembly of the State of Ohio, by this resolution, express 70
support to the western states and to the federal transfer of 71
public lands to the western states and urge the United States 72
Congress to engage in good faith communication and cooperation 73
to coordinate the transfer of title to the western states; and 74
be it further 75

RESOLVED, That the Clerk of the Senate transmit duly 76
authenticated copies of this resolution to the President of the 77
United States, the Secretary of the Interior, the Majority 78
Leader of the United States Senate, the Speaker of the United 79
States House of Representatives, the members of the Ohio 80
Congressional delegation, the Governors, Senate Presidents, and 81
Speakers of the House of Representatives of the 49 other states, 82

and the news media of Ohio.