

54th Legislature

CONSTITUTIONAL AMENDMENT

BILL NO. 48.2 1 De Curtiss 2 INTRODUCED BY > 3 vecu OR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN 4 MENDMENT TO ORDINANCE NO. I, WITHDRAWING THE DISCLAIMER OF RIGHT AND TITLE TO 5 nime UNAPPROPRIATED PUBLIC LANDS; AND PROVIDING AN EFFECTIVE DATE: 6 7 8 WHEREAS, the state of Montana has a strong moral claim upon the public land retained by the 9 federal government within Montana's borders; and 10 WHEREAS, on February 22, 1889, the Territory of Montana was admitted to statehood on the condition that it forever disclaim all right and title to unappropriated public land within its boundaries; and 11 WHEREAS, federal jurisdiction over the public domain is shared among several federal agencies or 12 13 departments, which causes problems concerning the proper management of the land and disrupts the 14 normal relationship between a state, its residents, and its property; and WHEREAS, the intent of the framers of the Constitution of the United States was to guarantee to 15 16 each of the states sovereignty over all matters within its boundaries except for those powers specifically granted to the United States as the agent of the states; and 17 18 WHEREAS, the exercise of dominion and control of the public lands within Montana by the United States works a severe, continuous, and debilitating hardship upon the people of Montana. 19 20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 21 22 23 Section 1. Ordinance No. | of the State of Montana is amended to read: "Be it Ordained: 24 First. That perfect toleration of religious sentiment shall be secured and that no inhabitant of the 25 26 state of Montana shall ever be molested in person or property, on account of his or her mode of religious 27 worship. Second. That the people inhabiting the said proposed state of Montana, do agree and declare that 28 they forever disclaim all right and title to the unappropriated public lands lying within the boundaries 29 thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes, and that until 30





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the title thereto shall have been extinguished by the United States, the same shall be and remain subject 1 to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction 2 3 and control of the congress of the United States, that the lands belonging to citizens of the United States, residing without the said state of Montana, shall never be taxed a higher rate than the lands belonging to 4 5 residents thereof; that no taxes shall be imposed by the said state of Montana on lands or property therein 6 belonging to, or which may hereafter be purchased by the United States or reserved for its use. But nothing 7 herein contained shall preclude the said state of Montana from taxing as other lands are taxed any lands. 8 owned or held by any Indian who has severed his tribal relations and has obtained from the United States 9 or from any person a title thereto by patent or other grant, save and except such lands as have been or may 10 be granted to any Indian or Indians under any act of congress containing a provision exempting the lands 11 thus granted from taxation, but said last named lands shall be exempt from taxation by said state of 12 Montana so long and to such extent as such act of congress may prescribe.

Third. That the debts and liabilities of said territory of Montana shall be assumed and paid by said
 state of Montana.

Fourth. That provision shall be made for the establishment and maintenance of a uniform system
of public schools, which shall be open to all the children of said state of Montana and free from sectarian
control.

Fifth. That on behalf of the people of Montana, we in convention assembled, do adopt theconstitution of the United States.

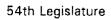
Sixth. That the ordinances in this article shall be irrevocable without the consent of the United
States and the people of said state of Montana.

Seventh. The state hereby accepts the several grants of land from the United States to the state of Montana, mentioned in an act of congress, entitled "An act to provide for the division of Dakota into two states, and to enable the people of North Dakota, South Dakota, Montana and Washington, to form constitutions and state governments, and to be admitted into the Union on an equal footing with the original states, and to make donations of public lands to such states.""

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28 <u>NEW SECTION.</u> Section 2. Submission to electorate. This amendment shall be submitted to the 29 qualified electors of Montana at the general election to be held in November 1996 by printing on the ballot 30 the full title of this act and the following:





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1	[]	FOR withdrawing the disclaimer of right and title to unappropriated public lands.
2	[]	AGAINST withdrawing the disclaimer of right and title to unappropriated public lands.
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4	NEW S	ECTION. Section 3. Effective date. If approved by the electorate, [this act] is effective
5	upon the consent to [this act] by the congress of the United States.	
6		-END-