

CONSTITUTIONAL AMENDMENT

1 House BILL NO. 483
 2 INTRODUCED BY Rep. Curtiss Grinoz Jonny Dymon Bernett
 3 Abner Bennett Benedict Neelin Talwa Abner
 4 A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN
 5 Justice Criminal AMENDMENT TO ORDINANCE NO. I, WITHDRAWING THE DISCLAIMER OF RIGHT AND TITLE TO
 6 UNAPPROPRIATED PUBLIC LANDS; AND PROVIDING AN EFFECTIVE DATE." Emerson Leating
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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
11 condition that it forever disclaim all right and title to unappropriated public land within its boundaries; and

12 WHEREAS, federal jurisdiction over the public domain is shared among several federal agencies or
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

15 WHEREAS, the intent of the framers of the Constitution of the United States was to guarantee to
16 each of the states sovereignty over all matters within its boundaries except for those powers specifically
17 granted to the United States as the agent of the states; and

18 WHEREAS, the exercise of dominion and control of the public lands within Montana by the United
19 States works a severe, continuous, and debilitating hardship upon the people of Montana.

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21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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23 **Section 1.** Ordinance No. I of the State of Montana is amended to read:

24 "Be it Ordained:

25 **First.** That perfect toleration of religious sentiment shall be secured and that no inhabitant of the
26 state of Montana shall ever be molested in person or property, on account of his or her mode of religious
27 worship.

28 **Second.** That the people inhabiting the said proposed state of Montana, do agree and declare that
29 they forever disclaim all right and title to ~~the unappropriated public lands lying within the boundaries~~
30 ~~thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes, and that until~~



1 ~~the title thereto shall have been extinguished by the United States, the same shall be and remain subject~~
 2 ~~to the disposition of the United States,~~ and said Indian lands shall remain under the absolute jurisdiction
 3 and control of the congress of the United States, that the lands belonging to citizens of the United States,
 4 residing without the said state of Montana, shall never be taxed a higher rate than the lands belonging to
 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.

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

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

18 **Fifth.** That on behalf of the people of Montana, we in convention assembled, do adopt the
 19 constitution of the United States.

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

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

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28 **NEW SECTION. 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:

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 SECTION. **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.

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