

Wm.E. Boharski

SENATE RESOLUTION NO

Brainard House

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INTRODUCED BY

Heating Burnett
Joe Wells
David
Thomas Barthol
Curtiss

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA TO URGE THE UNITED STATES CONGRESS TO TRANSFER TO THE STATES FEDERALLY CONTROLLED PROPERTY HELD WITHIN STATES ADMITTED TO THE UNION AFTER 1802.

WHEREAS, the founding fathers of this nation recognized that land is power and that a centralized federal government with a substantial land base would eventually overwhelm the states and pose a threat to the freedom of the individual; and

WHEREAS, the original 13 colonies and the next 5 states admitted to the Union were granted fee title to all land within their borders; and

WHEREAS, all but two states admitted to the Union after 1802 were denied the same rights of ownership granted the states admitted earlier; and

WHEREAS, Article I, section 8, of the Constitution of the United States makes no provision for land ownership by the federal government, other than by purchase from the states of land "for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings"; and

WHEREAS, acting contrary to the provisions of Article I, section 8, of the Constitution of the United States, the federal government withheld property from the states admitted after 1802, making them land-poor and unable to determine their own land use and development policies; and

WHEREAS, this action has made those states admitted after 1802 unequal to other states and subject to unwarranted federal control; and

WHEREAS, restoration of property to which they are historically and constitutionally entitled would empower the land-poor states to determine their own land use policies; and

WHEREAS, certain lands, namely national parks and wilderness areas, have been appropriated by Congress.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the State of Montana urges the 105th Congress of the United States to right the wrong and to transfer to the states, by fee title, any unappropriated federally controlled property

1 currently held within the states admitted to the Union after 1802.

2 BE IT FURTHER RESOLVED, that the Senate of the State of Montana further urges the United States
3 Congress to then purchase from the newly empowered states land needed to meet the provisions of Article
4 I, section 8, of the Constitution of the United States.

5 BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the
6 Honorable Strom Thurmond, President Pro Tempore of the United States Senate; the Honorable Trent Lott,
7 Majority Leader of the United States Senate; the Honorable Newt Gingrich, Speaker of the United States
8 House of Representatives; the Honorable Frank Murkowski, Chairman of the Senate Energy and Natural
9 Resources Committee; the Honorable Don Young, Chairman of the House Resources Committee; members
10 of the delegations in Congress of those states admitted to the Union after 1802; and members of the
11 Montana Congressional Delegation, the Honorable Conrad Burns and the Honorable Max Baucus, United
12 States Senators and the Honorable Rick Hill, United States Representative.

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SENATE RESOLUTION NO. 2

INTRODUCED BY KEATING, BURNETT, BAER, GAGE, MAHLUM, CRISMORE, THOMAS

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA TO URGE THE UNITED STATES CONGRESS TO TRANSFER TO THE STATES FEDERALLY CONTROLLED PROPERTY HELD WITHIN STATES ADMITTED TO THE UNION AFTER 1802.

WHEREAS, the founding fathers of this nation recognized that land is power and that a centralized federal government with a substantial land base would eventually overwhelm the states and pose a threat to the freedom of the individual; and

WHEREAS, the original 13 colonies and the next 5 states admitted to the Union were granted fee title to all land within their borders; and

WHEREAS, all but two states admitted to the Union after 1802 were denied the same rights of ownership granted the states admitted earlier; and

WHEREAS, Article I, section 8, of the Constitution of the United States makes no provision for land ownership by the federal government, other than by purchase from the states of land "for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings"; and

WHEREAS, acting contrary to the provisions of Article I, section 8, of the Constitution of the United States, the federal government withheld property from the states admitted after 1802, making them land-poor and unable to determine their own land use and development policies; and

WHEREAS, this action has made those states admitted after 1802 unequal to other states and subject to unwarranted federal control; and

WHEREAS, restoration of property to which they are historically and constitutionally entitled would empower the land-poor states to determine their own land use policies; and

WHEREAS, certain lands, namely national parks and wilderness areas, have been appropriated by Congress.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the State of Montana urges the 105th Congress of the United States to right the wrong and to transfer to the states, by fee title, any unappropriated federally controlled property

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8 WHEREAS, the founding fathers of this nation recognized that land is power and that a centralized
9 federal government with a substantial land base would eventually overwhelm the states and pose a threat
10 to the freedom of the individual; and11 WHEREAS, the original 13 colonies and the next 5 states admitted to the Union were granted fee
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