

HOUSE JOINT RESOLUTION NO. HJ0006

Private property protection.

Sponsored by: Representative(s) Hunt, Eklund, Loucks and
Shepperson and Senator(s) Driskill

A Bill

for

1 A JOINT RESOLUTION requesting Congress to refrain from
2 enacting any laws which restrict private property rights in
3 violation of the United States Constitution; calling on the
4 Wyoming delegation to Congress to resist the enactment of
5 all federal laws which impinge on property rights; calling
6 on all elected officials in Wyoming to recognize and
7 protect property rights as guaranteed by the United States
8 Constitution and the Constitution of the State of Wyoming.

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10 WHEREAS, private property rights, ownership, and use are
11 embodied in the founding documents of the United States and
12 the State of Wyoming, including the United States
13 Constitution and the Constitution of the State of Wyoming,
14 as undeniable, inalienable rights; and

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1 WHEREAS, private property is such property that belongs
2 absolutely to an individual including, but not limited to,
3 personal property, real property, land, air space, water
4 rights, improvements, livestock, crops, foodstuff and
5 rights of beneficial use. The right to use private
6 property is not limited to the mere right of occupancy, but
7 includes the full bundle of rights to enjoy and use the
8 property, including all aspects appurtenant to the property
9 such as light, space, air and access; and

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11 WHEREAS, the right of beneficial use embodies the right to
12 use and enjoy property free of egregious and overreaching
13 government regulation so as to derive a profit or benefit
14 from the property; and

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16 WHEREAS, the fifth Amendment to the United States
17 Constitution provides, in relevant part, "No person
18 shall...be deprived of life, liberty, or property, without
19 due process of law; nor shall private property be taken for
20 public use, without just compensation."; and

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22 WHEREAS, Congress has enacted laws which unconstitutionally
23 encroach on private property rights without due process and

1 just compensation in violation of the fifth amendment to
2 the Constitution of the United States; and

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4 WHEREAS, the overreaching congressional laws have led to
5 the creation of federal agency regulations which further
6 unconstitutionally impair property rights; and

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8 WHEREAS, section 1 of the fourteenth Amendment to the
9 United States Constitution provides, in relevant part, "No
10 state shall make or enforce any law which shall abridge the
11 privileges or immunities of citizens of the United States;
12 nor shall any state deprive any person of life, liberty, or
13 property, without due process of law; nor deny to any
14 person within its jurisdiction the equal protection of the
15 laws."; and

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17 WHEREAS, article 1, section 6 of the Constitution of the
18 State of Wyoming provides, "No person shall be deprived of
19 life, liberty or property without due process of law."; and

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21 WHEREAS, article 1, section 7 of the Constitution of the
22 State of Wyoming provides, "Absolute, arbitrary power over
23 the lives, liberty and property of freemen exists nowhere
24 in a republic, not even in the largest majority."; and

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2 WHEREAS, the elected officials of the state of Wyoming are
3 charged through their oath of office with upholding the
4 United States Constitution and the Constitution of the
5 State of Wyoming.

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7 *NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE*
8 *LEGISLATURE OF THE STATE OF WYOMING:*

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10 **Section 1.** That the Wyoming Congressional delegation
11 and Congress take action to ensure that all laws which pass
12 that body do not unconstitutionally infringe on private
13 property rights.

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15 **Section 2.** That the statewide elected officials of
16 Wyoming strive to ensure that all agencies and personnel
17 under their control and direction respect and uphold
18 private property rights in accordance with the United
19 States Constitution, the Constitution of the State of
20 Wyoming and the laws of the State of Wyoming.

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22 **Section 3.** That all elected officials of political
23 subdivisions of the state of Wyoming strive to ensure that
24 all agencies, departments and personnel under their control

1 and direction respect and uphold private property rights in
2 accordance with the United States Constitution, the
3 Constitution of the State of Wyoming and the laws of the
4 State of Wyoming.

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6 **Section 4.**

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8 (a) That the Secretary of State of Wyoming transmit
9 copies of this resolution to:

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11 (i) The President of the United States, to the
12 President of the Senate and the Speaker of the House of
13 Representatives of the United States Congress and to the
14 Wyoming Congressional Delegation, with a request that the
15 Wyoming Congressional Delegation take all reasonable and
16 necessary actions consistent with this resolution and that
17 this resolution be officially entered in the congressional
18 record as a memorial to the Congress of the United States
19 of America; and

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1 (ii) To the statewide elected officials of the
2 State of Wyoming with a request that they take all
3 reasonable and necessary actions consistent with this
4 resolution; and

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6 (iii) To all elected officials of political
7 subdivisions of the state of Wyoming with a request that
8 they take all reasonable and necessary actions consistent
9 with this resolution.

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(END)