HOUSE JOINT RESOLUTION NO. HJ0003

Private property protection.

Sponsored by: Representative(s) Hunt, Campbell, Coleman, Davison, Moniz, Sommers, Wallis and Walters and Senator(s) Driskill

A Bill

for

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

WHEREAS, private property rights, ownership, and use are embodied in the founding documents of the United States and the State of Wyoming, including the United States Constitution and the Constitution of the State of Wyoming, as undeniable, inalienable rights; and
WHEREAS, private property is such property that belongs absolutely to an individual including, but not limited to, personal property, real property, land, air space, water rights, improvements, livestock, crops, foodstuff and rights of beneficial use. The right to use private property is not limited to the mere right of occupancy, but includes the full bundle of rights to enjoy and use the property, including all aspects appurtenant to the property such as light, space, air and access; and

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

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

WHEREAS, Congress has enacted laws which unconstitutionally encroach on private property rights without due process and
just compensation in violation of the fifth amendment to
the Constitution of the United States; and

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

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

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

WHEREAS, article 1, section 7 of the Constitution of the
State of Wyoming provides, "Absolute, arbitrary power over
the lives, liberty and property of freemen exists nowhere
in a republic, not even in the largest majority"; and
WHEREAS, article 1, section 33 of the Constitution of the State of Wyoming provides, "Private property shall not be taken or damaged for public or private use without just compensation"; and

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

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

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

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

Section 3.

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

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

(ii) To the statewide elected officials and agency heads of the State of Wyoming with a request that they take all reasonable and necessary actions consistent with this resolution.

(END)