

## 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

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 officials in Wyoming to recognize and protect  
7 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 shall  
18 ... be deprived of life, liberty, or property, without due  
19 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, overreaching congressional laws have led to the  
5 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, article 1, section 33 of the Constitution of the  
3 State of Wyoming provides, "Private property shall not be  
4 taken or damaged for public or private use without just  
5 compensation"; and

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

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

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

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20 **Section 2.** That the statewide officials of Wyoming  
21 strive to ensure that all agencies and personnel under  
22 their control and direction respect and uphold private  
23 property rights in accordance with the United States

1 Constitution, the Constitution of the State of Wyoming and  
2 the laws of the State of Wyoming.

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4 **Section 3.**

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

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

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

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24

(END)