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**SSB 5405** - S AMD **141**

By Senator Fraser

On page 2, beginning on line 9 strike everything from "The legislature further" through "states." on line 13 and insert the following:

"The legislature further finds that federal and state policies enshrined in the US Constitution, the Washington State Enabling Act, and the Washington State Constitution clearly state that decisions on the transfer of federal lands to state government and others is solely that of the federal government and that the federal government has no obligation to transfer any of its lands to state government or others in accordance with the following:

(a) The United States Constitution, in Article IV, Section 3, Clause 2, the property clause, gives Congress authority over federal property generally, and the Supreme Court has described Congress’s power to legislate under this clause as “without limitation”; and

(b) Both the State Enabling Act, passed by Congress in 1889, and the State Constitution, adopted in 1889, both state that “The people inhabiting said proposed States do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United   
States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States” which provisions can be found in Section 4 of the Enabling Act and in Article XXVI, Section 2, of the Washington State Constitution."

Effect: Revises findings section regarding the constitution, state enabling acts, and unappropriated public lands.

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