

**SSB 5405 - S AMD 141**

By Senator Fraser

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

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

11  
12 (a) The United States Constitution, in Article IV, Section 3,  
13 Clause 2, the property clause, gives Congress authority over  
14 federal property generally, and the Supreme Court has described  
15 Congress's power to legislate under this clause as "without  
16 limitation"; and

17 (b) Both the State Enabling Act, passed by Congress in 1889, and  
18 the State Constitution, adopted in 1889, both state that "The  
19 people inhabiting said proposed States do agree and declare that  
20 they forever disclaim all right and title to the unappropriated  
21 public lands lying within the boundaries thereof, and to all lands  
22 lying within said limits owned or held by any Indian or Indian  
23 tribes; and that until the title thereto shall have been  
24 extinguished by the United States, the same shall be and remain  
25 subject to the disposition of the United  
26 States, and said Indian lands shall remain under the absolute  
27 jurisdiction and control of the Congress of the United States"

1     which provisions can be found in Section 4 of the Enabling Act and  
2     in Article XXVI, Section 2, of the Washington State Constitution."

3

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

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