

HOUSE JOINT RESOLUTION NO. 31

INTRODUCED BY G. EVERETT, RIPLEY, JORE, SALES, BECK, HILBERT, VINCENT, STAHL, SONJU

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA OPPOSING THE ROCKIES PROSPERITY ACT.

WHEREAS, bills with the same content have been introduced in the Congress for the past three sessions, named successively the Northern Rockies Ecosystem Protection Act of 2001, the Northern Rockies Ecosystem Protection Act of 2003, and the Rockies Prosperity Act of 2005; and

WHEREAS, these acts would designate more than 15.4 million acres as new wilderness, more than 1.4 million acres as park preserves, more than 1 million acres as recovery areas, and an additional 8.51 million acres as biological connecting corridors; and

WHEREAS, the proposed wilderness, preserves, and recovery areas would impose severe restrictions on access and human activities in violation of existing laws such as the Multiple-Use Sustained-Yield Act; and

~~WHEREAS, the proposed corridors would consist of mostly private property; and~~

WHEREAS, severe restrictions on the management of the private property within the corridors would lead to prohibition of even-aged silvicultural management, prohibition of timber harvesting, prohibition of mineral, oil, and gas exploration, prohibition of road construction or reconstruction with the goal of achieving zero miles of road in the corridors over a short time period, causing loss of value to private property even to the point of forcing landowners to abandon their properties, hopes, and dreams and causing extreme hardship and anguish; and

WHEREAS, additional taking of private property would occur with the ~~elimination~~ REDUCTION of water rights on National Forest land and the ~~elimination~~ REDUCTION of grazing rights on National Forest land, causing hardship and loss of business to ranchers, farmers, and residents in the region; and

WHEREAS, the requirements for implementation of the management plans set forth in the acts are extremely unbalanced in their approach to conservation, focus entirely on plant, animal, and ecological effects and leave out the social, economic, and cultural impacts on people who also are part of the natural environment, and are in violation of existing law, such as the National Environmental Policy Act; and

WHEREAS, the Montana Legislature does not believe these acts, drafted by extreme special interest groups funded by international foundations and other sources that do not represent the majority of Montana residents, should be allowed to subject land in Montana to this sort of unbalanced, unnecessary control; and

WHEREAS, the placing of environmental or other restrictions upon the use of private lands has been held

by a number of recent United States Supreme Court decisions to constitute a taking of the land for public purposes; and

WHEREAS, these acts do not include proposals to purchase the private lands; and

WHEREAS, the restrictions contemplated constitute an unlawful taking of that land in violation of Article I, section 8, clause 17, of the Constitution of the United States, which provides that before any state land can be purchased, the consent of the state Legislature and not the state Executive Branch must be obtained; and

WHEREAS, Article IV, section 3, clause 2, of the Constitution of the United States provides that "nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state"; and

WHEREAS, Article IV, section 4, of the Constitution of the United States provides that "the United States shall guarantee to every state in this union a republican form of government"; and

WHEREAS, Amendment V of the Constitution of the United States provides that 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".

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Montana Legislature is opposed to the passage of these acts.

BE IT FURTHER RESOLVED, that the Montana Legislature urge the members of Congress, especially the Montana delegation, to vigorously oppose these acts and any revisions of these acts and to vote against these acts at every opportunity.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the President of the United States, the Secretary of State of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States, and Montana's Congressional Delegation.

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