

**Legislative Review Note
as of 1-9-02 10:03 AM**

This bill raises federal constitutional issues under the United States Supreme Court's interpretation of the Property Clause, Article IV, Section 3, Clause 2 of the United States Constitution. The Property Clause provides that Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States. The United States Supreme Court held in *Kleppe v. New Mexico*, 426 U.S. 529 (1976), that when Congress acts under the Property Clause, federal law overrides inconsistent state law under the Supremacy Clause, Article VI, Clause 2 of the United States Constitution. Occasionally, exemptions from the preemption doctrine of the Supremacy Clause have been granted by courts, if the state can convince the court that under its police power the statute was necessary to protect the health and safety of the public.

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