

Commissioner Dennert brought the following Resolution:

RESOLUTION #27-23

**A RESOLUTION IN SUPPORT OF EMINENT DOMAIN REFORM**

**WHEREAS**, the Fifth Amendment to the United States Constitution states that “Nor shall private property be taken for *public use*, without just compensation.” *U.S. Const. Amend. V. (emphasis added)*.

**WHEREAS**, the South Dakota State Constitution provides that “Private property shall not be taken for *public use*, or damaged, without just compensation[.]” *SD CONST Art. 6 §13 (emphasis added)*.

**WHEREAS**, the omission of “private use” from these laws implies a complete prohibition on the taking of private property for non-public purposes.

**WHEREAS**, On July 6, 2023, hundreds of citizens held a rally in Pierre in support of revisions to South Dakota eminent domain law, culminating with approximately 2,000 signatures in support of eminent domain reform.

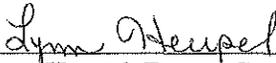
**WHEREAS**, the Brown County Board of Commissioners is in support of the Constitutional rights of property owners.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Brown County Commissioners is in support of the Governor and Legislature revising South Dakota law to eliminate the taking of private property for non-public use.

Dated at Aberdeen, South Dakota this 18<sup>th</sup> day of July 2023.

Seconded by Commissioner Wiese. Roll call vote: Dennert-aye; Fjeldheim-aye; Wiese-aye, Gage-aye, Sutton-aye. Resolution adopted.

Brown County Commission:   
Duane Sutton, Chairman

Attest:   
Lynn Heupel, Brown County Auditor

