

RESOLUTION #25- 04

A Resolution Urging the South Dakota Legislature to Pass Eminent Domain Reform Prohibiting the Use of Eminent Domain for Private Gain

WHEREAS, the principle of eminent domain allows government entities to acquire private property for public use, with just compensation to property owners, as authorized by the Fifth Amendment of the United States Constitution and Article VI, Section 13 of the South Dakota Constitution; and

WHEREAS, the use of eminent domain is intended to serve public purposes such as infrastructure development, schools, roads, and utilities that benefit the general public; and

WHEREAS, recent proposals in South Dakota have raised concerns regarding the use of eminent domain to transfer private property to for-profit entities or private developers for projects that primarily benefit private interests rather than the public at large; and

WHEREAS, such use of eminent domain threatens the fundamental rights of property owners, undermines public trust, and raises questions about the fairness and necessity of such actions; and

WHEREAS, the Brookings County Board of Commissioners supports the protection of private property rights and opposes the abuse of eminent domain powers for private economic gain;

THEREFORE, BE IT RESOLVED by the Board of Commissioners of Brookings County, South Dakota, that the Board strongly urges the South Dakota Legislature to enact reforms to the state's eminent domain laws to prohibit the use of eminent domain for private gain and to ensure that such powers are used solely for public purposes as defined by law; and

BE IT FURTHER RESOLVED that the Board encourages the Legislature to establish clear and strict criteria for the application of eminent domain, safeguarding the rights of property owners and reinforcing public accountability; and

BE IT FINALLY RESOLVED that the Brookings County Board of Commissioners directs the Commission Department Director to transmit copies of this resolution to all members of the South Dakota State Legislature, the Office of the Governor, and other relevant stakeholders.

Adopted this 21st day of January, 2025.



Larry Jensen, Chairperson
Brookings County Board of Commissioners



Lori Schultz, Finance Officer
Brookings County