

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

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HOUSE CONCURRENT RESOLUTION NO. **1004**

Introduced by: Representatives DiSanto, Brunner, Campbell, Greenfield (Lana), Harrison, Haugaard, Latterell, Marty, May, Qualm, and Stalzer and Senators Olson, Bradford, Cammack, Greenfield (Brock), Heinert, Jensen (Phil), Peterson (Jim), and Sutton

1 A CONCURRENT RESOLUTION, Expressing support for the property rights of ranch and
2 range allotment owners.

3 WHEREAS, the Legislature finds that the livestock sector of the agriculture industry of the
4 state is a critical and significant portion of the agriculture industry of the state and necessary for
5 the continued health, prosperity, and well-being of the people of the state; and

6 WHEREAS, a significant number of livestock within the state spend a significant part of
7 their lives on federal range lands; and

8 WHEREAS, the United States Supreme Court has held that stockwater rights, range rights,
9 rights-of-way, and improvements, appurtenant to or associated with range allotments, are
10 property rights worthy of protection under the Fifth Amendment of the United States
11 Constitution; and

12 WHEREAS, federal employees are required by the Fifth Amendment and Executive Order
13 12630 to consider the takings implications of their decisions and actions on the property rights
14 of ranch or range allotment owners before taking those actions:



1 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Ninety-
2 First Legislature of the State of South Dakota, the Senate concurring therein, that whenever any
3 federal employee, acting under color of law, takes any action harmful to any range or range
4 allotment owner in the state that deprives that owner of any property rights without first giving
5 due consideration to those rights by accessing property with permission, conducting a thorough
6 takings implication assessment, giving the owner due process, and paying just compensation as
7 required by law, that the federal government consider that the federal employee and agency are
8 in violation of the constitutional rights of the ranch or allotment owner, are acting outside the
9 scope of any federally delegated authority, are acting outside the protection of any federal
10 immunity from prosecution, and are guilty of the crime of malicious deprivation of
11 constitutional rights; and

12 BE IT FURTHER RESOLVED, that the secretary of House of Representatives prepare and
13 forward appropriate copies of this resolution to the President of the United States, the Speaker
14 and Clerk of the United States House of Representatives, and the President and Secretary of the
15 United States Senate.