

PROPERTY RIGHTS (2007)

1. ABANDONED RAILROAD BED COMPENSATION

WHEREAS: Certain recreational interests are seeking on a local, state and federal level the reversion to the state of location of abandoned railroad beds for recreational purposes with no apparent regard for property rights of landowners.

THEREFORE BE IT RESOLVED: The South Dakota Stockgrowers Association actively resists this taking by the State without just compensation in cases where there is a reversion provision in deeds and/or abstracts of the aforementioned property owners.

2. COUNTY COMMISSIONS

WHEREAS: The Federal Government has left the definition of Community Stability to the local elected officials.

THEREFORE BE IT RESOLVED: That County Governments enact procedures to protect the private property rights that enhance the community stability.

3. GOVERNMENT LAND ACQUISITION (Revised '01)

WHEREAS: South Dakota is a commodity producing state; and

WHEREAS: Agriculture is the leading industry in South Dakota; and

WHEREAS: Removal of land from Ag Production can have detrimental effect on the local tax revenue and economy.

THEREFORE BE IT RESOLVED: The South Dakota Stockgrowers Association actively and adamantly opposes the state, Federal or any other governmental agency's purchase and/or acquisition of any private lands, including but not limited to acquisitions of land from Non-Governmental Organizations (NGOs).

4. GRAZING DISTRICT BY-LAWS

WHEREAS: The Forest Service has encouraged Grazing Districts to manage private lands.

THEREFORE BE IT RESOLVED: Grazing Districts organized under the laws of South Dakota should be encouraged to amend their By-Laws if necessary to protect the landowner from encroachment without the owners consent. Such consent should be freely and willingly given. And secondly, that the right of the landowner to refuse such management of his privately owned land should not be cause for depriving him of allotments or grazing permits held by such owner.

5. PRIVATE PROPERTY RIGHTS

WHEREAS: Issued March 25, 1988, Order 12630 is an entitled Governmental Action and Interference with Constitutionally Protected Property Rights; and

WHEREAS: The Order reminds all federal entities that governmental actions which restrict the use or value of private property could result in a “taking” for which financial compensation by due process is required; and

WHEREAS: The Order does not, and legally cannot, prohibit taking, but it directs the government to minimize taking and it creates a mechanism for eliminating inadvertent takings.

THEREFORE BE IT RESOLVED: The South Dakota Stockgrowers Association favors incorporation into state policy by the Governor, President Reagan’s Executive Order 12630 that requires all federal departments and agencies to avoid actions which infringe on private property rights.

BE IT FURTHER RESOLVED: The South Dakota Stockgrowers Association favors state legislation that requires all federal departments and agencies to avoid actions which infringe on private property rights.

6. WATER RIGHTS

WHEREAS: The original purposes for the Federal Government to control water was for navigation, irrigation, flood control and hydro-electric power; and

WHEREAS: There has been a change in recent years in purpose of the Federal Government to control water aimed toward conservation and other non-conventional social uses that often conflict with private property rights.

THEREFORE BE IT RESOLVED: The South Dakota Stockgrowers Association go on record opposing federal control of water rights and leave that control of State Government.

BE IT FURTHER RESOLVED: That State Control of Water Rights retain the basic concept of domestic use priority and preserve existing agricultural uses.

7. PRIVATIZATION OF EXCESSIVE PUBLIC HOLDINGS

BE IT RESOLVED: The South Dakota Stockgrowers Association backs the concept of privatization of isolated tracts of public holding with right of first refusal by the present user.

8. RE-ACQUIRE FEDERAL LAND

WHEREAS: The Federal Land Policy and Management Act (FLPMA) of 1976 only applies to the National Forests in the eleven Western States, and the Public Rangeland Improvement Act (PRIA) of 1978 applies only to the National Forests in the sixteen Western States and does not apply to the National Grasslands; and

WHEREAS: Section VII of FLPMA states that nothing in this Act is deemed to appeal right under other provisions of law by implication, and PRIA Section Eleven states: “National Grasslands are excluded from all provisions of this Act”; and

WHEREAS: Rules and Regulations have not been published in the Federal Register for Grazing Domestic Livestock on the National Grasslands under the purposes and provisions of “Bankhead-Jones Farm Tenant Act” (BHJFTA) and the Forest Service implies all Forest Service Manual Regulation (that have the impact of law) apply to the National Grasslands; and (continued)

WHEREAS: The main specific difference and purpose of provisions in the BHJFTA is local control as opposed to centralized Federal control on National Forests. This is why Congress wrote exclusions into the laws FLPMA and PRIA particularly at Association of National Grasslands requests.

THEREFORE BE IT RESOLVED: All National Grasslands such as ours be purchased by the permit holder and/or local ranchers through low interest economic development funds if Grazing Districts (Associations), County Commissioners, and City Council endorse the concept. It will create a more secure financial structure for the county, the State, and the Federal Government. All around better land management would be another bonus.

BE IT FURTHER RESOLVED: That maximum sustained yield and harvest of forage continue for the main stay of the economy of our country is domestic livestock – cows and calves, background yearling cattle for breeding herds and feedlots, sheep and lambs, and working horses.

9. U. S. CORPS OF ENGINEERS ('95)

WHEREAS: The Corps of Engineers is moving to transfer lands along the reservoir in Corson County to the Standing Rock Sioux Tribe; and

WHEREAS: Indian Tribes and government agencies are purchasing private land and placing them in trust, removing them the tax rolls.

THEREFORE BE IT RESOLVED: The South Dakota Stockgrowers Association is opposed to land being removed from the tax rolls.

BE IT FURTHER RESOLVED: The South Dakota Stockgrowers Association is in support of legislation which would state the federal government and/or tribal agencies must pay taxes on lands purchased and placed in trust.

10. CONSERVATION EASEMENT (revised '09)

WHEREAS: The South Dakota Stockgrowers Association is concerned with the numerous conservation easements that have been established on thousands of privately owned acreages across the United States of America, creating restrictions over these lands in perpetuity.

THEREFORE BE IT RESOLVED: South Dakota Stockgrowers Association calls for the State of South Dakota to pass legislation protecting landowners against the negative impacts of conservation easements including but not limited to requiring full disclosure and limiting the length of the contract.

11. FEDERAL USURPATIONS ('03)

WHEREAS: The United Nations Convention on Biological Diversity, with the goal of returning a significant portion of America's total land to wilderness, though lacking Senate treaty confirmation, was being carried out under former President Clinton's "Land Legacy" initiative and is still being promoted today by our federal government; and

WHEREAS: The Secretary of the Interior announced a grant program to go to non-governmental organization (NGOs) such as the Nature Conservancy, for the purpose of acquiring private lands in states, from citizens, whether or not they want to sell, and it is funded through the "Cooperative Endangered Species Conservation Fund" which classifies the land as sanctuaries removed from development; and

(continued)

WHEREAS: The state of Montana’s legislature recently denied the sale of Montana land to the Federal government, citing the U.S. Constitutional provision at Art. I Sec. 8 Clause 17, that state land may not be sold to the federal government without their state’s legislative approval, and then only for the establishment of certain constitutionally approved buildings.

THEREFORE BE IT RESOLVED: The South Dakota Stockgrowers Association will work with the S.D. Legislature to provide similar protections for our state and private lands.

12. EMINENT DOMAIN (‘05)

WHEREAS: The South Dakota Stockgrowers Association supports private property rights,

THEREFORE BE IT RESOLVED: The South Dakota Stockgrowers Association supports any legislation that limits the use of Eminent Domain to the original intent of the takings clause of the 5th amendment to the US Constitution.

13. INTERNATIONAL PROPERTY MAINTENANCE CODE (‘06)

WHEREAS: The International Property Maintenance codes could erode property rights,

THEREFORE BE IT RESOLVED: The South Dakota Stockgrowers Association encourages local and state public officials to research and educate themselves on the multi-jurisdictional all-hazard mitigation plan and its possible ramifications.

14. PROPERTY RIGHTS

WHEREAS: Property rights are the basis of our freedom, and if our right to property is gone no other right can be maintained.

WHEREAS: Unalienable Property is property that is inherent at birth (no lien can ever be put against) such as life, liberty, pursuit of happiness.

WHEREAS: Alienable Property (land, money, etc.) is property derived from inalienable rights e.g. ones own labor creates most of our alienable property

WHEREAS The United States Declaration of Independence expressed the principles of property rights by stating: “That all men are created equal; that they are endowed by their Creator with certain (inherent and) unalienable rights; that among these are life, liberty, and the pursuit of happiness.”

WHEREAS: The founding fathers of the United States, upon witnessing abuses of governmental power, wrote the Bill of Rights to give our government strict guidelines to follow in order to protect our property rights.

THEREFORE BE IT RESOLVED: That the South Dakota Stockgrowers rejects and refuses to accept or support any act by any party whether private or governmental that infringes on property rights, and will use the guidelines given to us by the founding fathers of the United States

15. HUMAN RIGHTS

WHEREAS: without inalienable rights one would be property of another,

WHEREAS: there is no citizenship required for inalienable rights,

WHEREAS: the United States of America has existed for centuries with the four categories of relationship of persons to the nation being citizens, non citizens, convicted felons, and enemies in war,

WHEREAS: in our nation's history no person in any of the four categories was denied human rights,

WHEREAS: the designation of the category of "illegal enemy combatant" denies human rights and withholds the inalienable rights guaranteed to prisoners of war under the Geneva Convention, and habeas corpus rights guaranteed in the United States Constitution,

THEREFORE BE IT RESOLVED: that the South Dakota Stockgrowers Association rejects and refuses to accept any categorization of persons which denies all human rights to any human being.

16. POWDER RIVER TRAINING COMPLEX (2010)

WHEREAS: The Air Force has proposed expanding the current Powder River training complex in Montana, South Dakota and Wyoming from 5,900 square miles to 37,000 square miles in Montana, North Dakota, South Dakota, and Montana, and

WHEREAS: All areas will include flights, at 500 feet above ground level, and higher, with afterburners applied in every mission, and

WHEREAS: Magnesium flares, which burn at 2000 degrees, and chaff, which is extremely fine aluminum and fiberglass, will be discharged in all areas of the MOA, and

WHEREAS: Supersonic flight will be used in all areas of the MOA, even though civil aviation has been prohibited from flying at supersonic speeds over the mainland since the mid 1970's because sonic booms caused glass and structural damage, and

WHEREAS: Large force maneuvers, including forces from other countries, will train in the MOA on a quarterly basis, and

WHEREAS: Low-level flights and sonic booms have been known to cause animals to bolt, stampede, throw riders, and cause injury to themselves, humans, and fences, and

WHEREAS: Low-level flights would prohibit farmers from using crop dusters during the morning and evening hours (when nearly all spraying must be done), and wing vortices could deflect spray up to 1000 feet, making chemical application with ground rigs dangerous, and

WHEREAS: Significant impacts on mining could result from electronics emissions inadvertently setting off mining or construction explosions, and

WHEREAS: Low level and supersonic flights have the potential to disturb loose soils on slopes, as is common in surface mining, and

WHEREAS: The Powder River Basin has 58% of the known coal reserves in the U.S., and

WHEREAS: Commercial air traffic will not be routed through an active MOA, and will face re-routes or an average wait of 2 hours on the ground, and

WHEREAS: Several hundred commercial air carrier flights use the proposed MOA airspace on a daily basis, and

WHEREAS: This area is the severe weather re-route airspace for major airports throughout the Great Plains and Ohio Valley, and

WHEREAS: Inability to use this air space for the 80 to 100 days that it is now used in bad weather would create backlogs of aircraft waiting to depart at airports including, but not limited to: Seattle,

Oakland, Kansas City, Chicago, Cleveland, Washington D.C., New York, Minneapolis, Chicago, and Detroit, and

WHEREAS: Small airports, as well as private airstrips, will be shut down during the usual Monday through Friday training and the Quarterly, weekend training sessions, and

WHEREAS: Delays and extra fuel used routing around the airspace will put a significant burden on already stressed commercial airlines, and

WHEREAS: The primary reason given by Ellsworth for needing this 4-state area, was fuel saving, not having to fly their 24 B-1s to ‘remote‘ areas like Idaho or Nevada, and

WHEREAS: No offer of payment to land owners, or other impacted industries has been made, and

WHEREAS: Damage claims are supposed to be sent to the Ellsworth Public Affairs office, which has been ineffective in the past,

THEREFORE BE IT RESOLVED: That the South Dakota Stockgrowers opposes expanding the Powder River Training Complex, or adding flares and chaff and supersonic flight in the current Powder River MOA, and

BE IT FURTHER RESOLVED: That if this expansion is approved, damage claims be handled on a local level by elected officials of each county, city, or township, and

BE IT FURTHER RESOLVED: That affected property owners be fairly compensated for the taking of their airspace.

17. NATIONAL DEFENSE AUTHORIZATION ACT

WHEREAS: the South Dakota Stock Growers Association supports the United States and South Dakota Constitutions,

BE IT THEREFORE RESOLVED: that we support and ask our Congressional delegation to support Federal legislation which would restore habeas corpus and due process rights taken by the National Defense Authorization Act signed by President Obama on New Year's Eve 2011.

PLEASE NOTE: Resolutions passed prior to 2007 were transferred from Ag & Natural Resources Committee, Property Rights section to Property Rights Committee upon it's inception in 2007.