

Motion:
 1st Boon
 2nd Krempasky

No: 0 Yes: 29

Absent: 0

Adopted: Voice
 Lost: Vote
 Tabled:

Number of Votes required:
 Majority



Resolution #31-8-18

**SUPPORTING REFORM OF WISCONSIN
 EMINENT DOMAIN LAWS**

Clark Co Board Roll Call Vote	Y E S	N O	A
1 Flink			
2 Leichtman			
3 Schindler			
4 Wilcox			
5 Amacher			
6 Waichulis			
7 Zank			
8 Kodl			
9 Feiten			
10 Luchterhand			
11 Jalling			
12 Petke			
13 Bower			
14 Krempasky			
15 Rogers			
16 Hendrickson			
17 Rueth			
18 Olson			
19 Haselow			
20 Krause			
21 Rollins			
22 Smagacz			
23 Boon			
24 Trunkel			
25 Clough			
26 Bakker			
27 Garbisch			
28 Neville			
29 Sebesta			

1. WHEREAS, the 5th Amendment of the United State Bill of Rights and
 2. the Wisconsin Constitution both specify that “The property of no person
 3. shall be taken for public use without just compensation;” and
 4.

5. WHEREAS, the taking of private land against a landowner’s will is a
 6. power of the State that should be used only rarely and exercised with
 7. solemn deliberation; and
 8.

9. WHEREAS, when the State grants the power of land takings by eminent
 10. domain to a business entity, the power granted removes free market
 11. forces such that, unlike other transactions between two parties, the
 12. landowner is placed at a disadvantage, precluding a fair and balanced
 13. transaction; and
 14.

15. WHEREAS, when the land taking is for an easement, the threat of
 16. eminent domain diminishes not only the landowner’s negotiating power
 17. for a fair land price, but also diminishes the power to negotiate
 18. important easement terms, such as the duration of the easement, annual
 19. payments for use of the land, whether the easement can be transferred to
 20. another business or sovereign entity, plans for pipeline abandonment,
 21. responsibilities for negligence and liability, as well as many other
 22. easement terms; and
 23.

24. WHEREAS, studies have shown:

1. The threat of eminent domain reduces property values and tax base, an effect known as “condemnation blight;”
2. For long-term economic growth, it is crucial for landowners to trust that their property rights are secure; and
3. Government land takings for private development rarely result in a net economic gain.

25. WHEREAS, the rights of landowners to own and control property are the
 26. foundation of American democracy and individual liberty; and
 27.

28. WHEREAS, other states, such as South Carolina, Georgia, North
 29. Carolina, Nebraska, Iowa, and Illinois, have taken action to protect
 30. citizen’s property rights and prohibit the abuse of eminent domain
 31. power by for-profit companies; and

I, Christina M Jensen,
 Clerk for the County of Clark,
 hereby certify that this
 Resolution was adopted by the
 Board of Supervisors at the
 meeting held August 16, 2018.


 Christina M. Jensen
 Clark County Clerk,
 Neillsville, WI 54456

SEAL

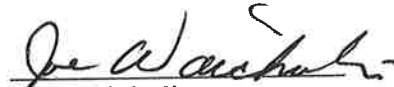
Resolution #31-8-18


32. WHEREAS, all authority to grant eminent domain power to for-profit
33. companies, such as oil pipeline companies, resides solely at the state
34. level, namely the Wisconsin Public Service Commission, and state
35. legislature possesses the power and authority to revise state statutes to
36. limit the abuse of eminent domain and restore property rights to
37. Wisconsin citizens; and
38.
39. WHEREAS, residents of Clark County are threatened with the potential
40. of having their land forcibly taken by for-profit companies for private
41. financial gain with little to no public benefit.
42.
43. NOW, THEREFORE BE IT RESOLVED, the Clark County Board of
44. Supervisors hereby supports reform to Wisconsin's eminent domain
45. laws and requests the Wisconsin State Legislature and Governor to
46. review the eminent domain laws to allow for the protection of property
47. rights of Wisconsin citizens and to prohibit the state from granting the
48. power of eminent domain to for-profit companies and/or foreign owned
49. companies such as oil pipeline companies. Amended
50.
51. BE IT FURTHER RESOLVED, that the County Clerk shall forward a
52. copy of this resolution to Governor Scott Walker, Clark County's
53. Legislative Representatives, Wisconsin Public Service Commissioners,
54. and the Wisconsin Counties Association.


Resolution #31-8-18

EXECUTIVE, LEGISLATIVE, & JUDICIAL COMMITTEE


Wayne Hendrickson


Joe Waichulis



Chuck Rueth


Jerome Krempasky

Duane Boon

FINANCIAL IMPACT STATEMENT:

Projected new positions:	none
Anticipated revenues:	none
Wages & Benefits:	none
All other costs:	none
Space requirements:	none

Review by
County Attorney: 
Review by
Comptroller: 