



2026 South Dakota Legislature

House Joint Resolution 5001

Introduced by: Representative Gosch

1 **A JOINT RESOLUTION proposing and submitting to the voters at the next general**
2 **election an amendment to the Constitution of the State of South Dakota,**
3 **prohibiting the transfer of private property to a non-governmental entity for**
4 **the sole purpose of economic development or increased tax revenue.**

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

6 **Section 1.** That at the next general election held in the state, the following amendment to
7 Article VI of the Constitution of the State of South Dakota, as set forth in section 2 of this
8 Joint Resolution, which is hereby agreed to, be submitted to the electors of the state for
9 approval.

10 **Section 2. That Article VI, § 13 of the Constitution of the State of South Dakota, be**
11 **AMENDED:**

12 **§ 13.** -Private property~~shall~~may not be taken for public use, or damaged, without
13 just compensation, ~~which~~willbeas determined according to legal procedure established
14 by the Legislature and according to § 6 of this article. ~~No~~Eminent domain ~~may not be~~
15 exercised for the purpose of transferring private property to a non-governmental entity
16 solely to promote economic development or increase tax revenue without the provision of
17 a public use, purpose, or utility. A benefit~~which~~that ~~may~~ accrue to the owner as the result
18 of an improvement made by any private corporationshallmaynot be considered in fixing
19 the compensation for property taken or damaged. The fee of land taken for railroad tracks
20 or other highwaysshallremaininsuchownersremainsintheowner, subject to the use
21 for which it is taken.