

# 2026 South Dakota Legislature

## House Joint Resolution 5001

### AMENDMENT HJR5001A FOR THE INTRODUCED RESOLUTION

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 will be as~~ 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 corporation ~~shall~~ may not be considered in fixing  
19 the compensation for property taken or damaged. The fee of land taken for railroad tracks  
20 or other highways ~~shall remain in such owners~~ remains in the owner, subject to the use  
21 for which it is taken.