

2026 South Dakota Legislature

House Joint Resolution 5001

**AMENDMENT HJR5001B
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 and**
5 **requiring a declaration of necessity.**

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

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

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

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