

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 just compensation, ~~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.