



2026 South Dakota Legislature

House Joint Resolution 5001

HOUSE STATE AFFAIRS ENGROSSED

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 purpose of economic development or increased tax revenue and requiring**
 5 **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 to promote economic development or increase tax revenue without
 19 the provision of a public use. A benefit ~~which that~~ that may accrue to the owner as the result
 20 of an improvement made by any private corporation shall may not be considered in fixing
 21 the compensation for property taken or damaged. The fee of land taken for railroad tracks
 22 or other highways ~~shall remain in such owners~~ remains in the owner, subject to the use
 23 for which it is taken.