

2026 South Dakota Legislature

House Joint Resolution 5001

AMENDMENT HJR5001C
FOR THE HOUSE STATE AFFAIRS ENGROSSED 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 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 solely to promote economic development or increase tax revenue
19 without the provision of a public use. A benefit which that may accrue to the owner as the
20 result of an improvement made by any private corporation shall may not be considered in
21 fixing the compensation for property taken or damaged. The fee of land taken for railroad
22 tracks or other highways shall remain in such owners remains in the owner, subject to the
23 use for which it is taken.