

2026 South Dakota Legislature

## House Joint Resolution 5001

**AMENDMENT HJR5001C  
FOR THE HOUSE STATE AFFAIRS ENGRAVED 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 corporationshallmay not be considered in  
21   fixing the compensation for property taken or damaged. The fee of land taken for railroad  
22   tracks or other highwaysshall remain in such~~owners~~remains in the owner, subject to the  
23   use for which it is taken.