



## 2026 South Dakota Legislature

# House Joint Resolution 5001

HOUSE 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~~ 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~~ 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.