

2026 South Dakota Legislature
House Joint Resolution 5001

**AMENDMENT HJR5001E
FOR THE HOUSE 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 and clarifying public use of private property taken
6 or damaged by eminent domain.

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

8 **Section 1.** That at the next general election held in the state, the following amendment to
9 Article VI of the Constitution of the State of South Dakota, as set forth in section 2 of this
10 Joint Resolution, which is hereby agreed to, be submitted to the electors of the state for
11 approval.

12 **Section 2.** That Article VI, § 13 of the Constitution of the State of South Dakota, be
13 **AMENDED:**

14 **§ 13.** Private property shall may not be taken for public use, or damaged, without
15 a public declaration by the condemnor, establishing the necessity for taking or damaging
16 the property, and just compensation, which will be as determined according to legal
17 procedure established by the Legislature and according to § 6 of this article. No Eminent
18 domain may not be exercised for the purpose of transferring private property to a non-
19 governmental entity solely to promote economic development or increase tax revenue
20 without the provision of a public use. A benefit which that may accrue to the owner as the
21 result of an improvement made by any private corporation shall may not be considered in
22 fixing the compensation for property taken or damaged. The fee of land taken for railroad
23 tracks or other highways shall remain in such owners remains in the owner, subject to the
24 use for which it is taken. For purposes of this section, public use does not include an
25 increase in the tax base, tax revenues, employment, or general economic health.