

## 2021 South Dakota Legislature

**House Bill 1165****AMENDMENT 1165E FOR THE HOUSE APPROPRIATIONS  
BILL**

1 **An Act to create the trust fund for unclaimed property**~~and to provide for the transfer~~  
2 ~~of certain unobligated cash balances.~~

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1.** That a NEW SECTION be added:

5 **4-7-53. Trust fund for unclaimed property established.**

6 There is hereby established within the state treasury a trust fund named the trust  
7 fund for unclaimed property. The principal of trust fund may not be invaded, unless  
8 approved by a three-fourths vote of all the members-elect of each house of the Legislature  
9 or unless the state treasurer determines that such amounts are necessary for the payment  
10 of claims.

11 Upon the conclusion of fiscal year 2023, and upon the conclusion of each fiscal year  
12 thereafter, the state treasurer shall, after paying all claims and any reasonable  
13 administrative costs associated with the sale of unclaimed property, deposit into the  
14 general fund the net receipts from unclaimed property, up to a maximum of forty million  
15 dollars. After the transfer to the general fund, the state treasurer shall transfer any  
16 remaining amount to the trust fund for unclaimed property.

17 Beginning in fiscal year 2025, and each fiscal year thereafter, the market value  
18 shall be determined by adding the market value of the trust fund at the end of the sixteen  
19 most recent calendar quarters as of December thirty-first, and dividing the sum by sixteen.  
20 The state investment officer shall calculate an amount equal to four percent of the market  
21 value, without invading principal, as eligible for distribution. For the purpose of this  
22 section, the term, principal, means the sum of all contributions to the fund. Upon notice  
23 of the distribution amount by the state investment officer, the state treasurer shall transfer  
24 the amount from the trust fund for unclaimed property to the state general fund as soon  
25 as practicable after July first of the next fiscal year. The distribution shall be appropriated  
26 for the improvement of South Dakota.