

# State of South Dakota

## EIGHTY-SEVENTH SESSION LEGISLATIVE ASSEMBLY, 2012

801T0654

### HOUSE JOINT RESOLUTION NO. 1006

Introduced by: Representatives Dennert, Cronin, Dryden, Hawley, Rausch, Sigdestad, Solum, and Wismer and Senators Brown, Adelstein, Bradford, Holien, Hundstad, Maher, Novstrup (Al), and Peters

1 A JOINT RESOLUTION, Proposing and submitting to the electors at the next general election  
2 an amendment to Article XIII, sections 20 and 21 of the Constitution of the State of South  
3 Dakota, relating to the trust fund created from the proceeds of the state cement enterprise  
4 sales.

5 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF SOUTH  
6 DAKOTA, THE SENATE CONCURRING THEREIN:

7 Section 1. That at the next general election held in the state, the following amendment to  
8 Article XIII, sections 20 and 21 of the Constitution of the State of South Dakota, as set forth in  
9 sections 2 and 3 of this Joint Resolution, which is hereby agreed to, shall be submitted to the  
10 electors of the state for approval.

11 Section 2. That Article XIII, section 20 of the Constitution of the State of South Dakota, be  
12 amended to read as follows:

13 § 20. The net proceeds derived from the sale of state cement enterprises shall be deposited  
14 by the South Dakota Cement Commission in a trust fund hereby created to benefit the citizens



1 of South Dakota. The South Dakota Investment Council or its successor shall invest the trust  
2 fund in stocks, bonds, mutual funds, and other financial instruments as provided by law. ~~Each~~  
3 ~~fiscal year beginning in fiscal year 2001, a transfer of twelve million dollars shall be made from~~  
4 ~~the trust fund to the state general fund as provided by law.~~

5 Section 3. That Article XIII, section 21 of the Constitution of the State of South Dakota, be  
6 amended to read as follows:

7 § 21. ~~Except as provided in Article XIII, section 20 of the Constitution of the State of South~~  
8 ~~Dakota, the original principal of the trust fund shall forever remain inviolate. However, the~~ The  
9 ~~Legislature shall, by appropriation, make distributions from the difference between the twelve~~  
10 ~~million dollar annual general fund transfer and five percent of the market value of the trust fund~~  
11 ~~for the support of education, but not for the replacement of state aid to general education or~~  
12 ~~special education, if the increase in the market value of the trust fund in that fiscal year was~~  
13 ~~sufficient to maintain the original principal of the trust fund after such distributions. Beginning~~  
14 ~~with fiscal year 2006, the market value of the trust fund shall be determined by adding the~~  
15 ~~market value of the trust fund at the end of the sixteen most recent calendar quarters, and~~  
16 ~~dividing that sum by sixteen~~ transfer from the trust fund to the state general fund four percent  
17 of the lesser of the average market value of the trust fund determined by adding the market value  
18 of the trust fund at the end of the sixteen most recent calendar quarters as of December thirty-  
19 first of that year and dividing that sum by sixteen, or the market value of the trust fund at the end  
20 of that calendar year for the support of education in South Dakota. The transfer shall be made  
21 prior to June thirtieth of the subsequent calendar year.