

# State of South Dakota

NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018

145Z0103

## SENATE JOINT RESOLUTION NO. 4

Introduced by: Senators Stalzer, Ewing, Jensen (Phil), Klumb, Kolbeck, Monroe, Rusch, Russell, Tapio, and Youngberg and Representatives Howard, Ahlers, Barthel, Brunner, Campbell, Clark, Dennert, DiSanto, Frye-Mueller, Glanzer, Goodwin, Gosch, Greenfield (Lana), Heinemann, Jensen (Kevin), Johns, Johnson, Kaiser, Latterell, Livermont, Marty, May, Otten (Herman), Peterson (Sue), Pischke, Qualm, Rasmussen, Rhoden, Rounds, Schaefer, Wiese, and York

1 A JOINT RESOLUTION, Proposing and submitting to the voters at the next general election  
2 a new section to Article XII of the Constitution of the State of South Dakota, relating to the  
3 creation and administration of a trust fund with the net receipts from certain unclaimed  
4 property.

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

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

11 Section 2. That Article XII of the Constitution of the State of South Dakota, be amended by  
12 adding a NEW SECTION to read as follows:



1       § 8. There is hereby created in the state treasury a trust fund named the trust fund for  
2 unclaimed property. Beginning in fiscal year 2020, the state treasurer shall deposit into the  
3 general fund, after all claims have been paid and any reasonable administrative costs associated  
4 with the sale of unclaimed property, any net receipts from unclaimed property, up to a maximum  
5 of forty million dollars. Each fiscal year thereafter, the state treasurer shall reduce the maximum  
6 general fund deposit from net receipts by five million dollars, until net receipts deposited to the  
7 general fund are zero. Any net receipts for unclaimed property not deposited in the general fund  
8 shall be deposited in the trust fund for unclaimed property.

9       The South Dakota Investment Council or its successor shall invest the trust fund for  
10 unclaimed property in stocks, bonds, mutual funds, and other financial instruments as provided  
11 by law. Beginning in fiscal year 2021, and each year thereafter, the state treasurer shall make  
12 a distribution from the trust fund for unclaimed property into the state general fund to be  
13 appropriated by law for property tax reduction. The calculation of the distribution shall be  
14 defined by law and may promote growth of the fund and a steadily growing distribution amount.  
15 The trust fund for unclaimed property may not be diverted for any other purpose nor may the  
16 principal be invaded unless appropriated by a three-fourths vote of all the members-elect of each  
17 house of the Legislature.