

## 2025 South Dakota Legislature Senate Joint Resolution 505

Introduced by: Senator Howard

## A JOINT RESOLUTION, Proposing and submitting to the voters at the next general election an amendment to the Constitution of the State of South Dakota, establishing the trust for unclaimed property fund.

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

5 Section 1. That at the next general election held in the state, the following amendment to

6 Article XII of the Constitution of the State of South Dakota, as set forth in section 2 of this

7 Joint Resolution, which is hereby agreed to, be submitted to the electors of the state for

8 <u>approval.</u>

## 9 Section 2. That a NEW SECTION be added to Article XII of the Constitution of the

## 10 State of South Dakota:

11There is created in the state treasury a trust fund named the trust for unclaimed12property fund. Upon passage of this Act and after each receipt of any unclaimed property13thereafter, the state treasurer shall, after paying all claims, expenses authorized by law,14and deposits into the general fund as authorized by law, deposit into the trust fund the15net receipts from unclaimed property.16Beginning July 1, 2027, and each July first thereafter, the state treasurer shall17distribute a portion of the interest and income of the trust fund into the general fund. The

18 <u>calculation of the amount to be distributed must be determined by law and must promote</u>

- 19 growth of the trust fund and a steadily growing distribution amount.
- 20 <u>Neither the interest and income of the trust fund nor its principal may be diverted</u>
   21 <u>for any other purpose unless:</u>
- 22 (1) The state treasurer determines the amount is necessary for the payment of claims
   23 associated with unclaimed property; or
- 24 (2) The state treasurer determines the amount must, by law, be returned as unclaimed
   25 property.

<u>The State Investment Council, or its successor, shall invest the trust fund in stocks,</u>
 <u>bonds, mutual funds, and other financial instruments, as provided by law.</u>