

# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

225R0564

## HOUSE JOINT RESOLUTION NO. 1005

Introduced by: Representatives Dennert and Carson and Senators Brown and Ahlers

1 A JOINT RESOLUTION, Proposing and submitting to the electors at the next general election  
2 amendments to Article XII, sections 5 and 6 of the Constitution of the State of South Dakota  
3 relating to the health care trust fund and the education enhancement trust fund.

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

6 Section 1. That at the next general election held in the state, the following amendments to  
7 Article XII, sections 5 and 6 of the Constitution of the State of South Dakota, as set forth in  
8 sections 2 and 3 of this Joint Resolution, which is hereby agreed to, shall be submitted to the  
9 electors of the state for approval.

10 Section 2. That Article XII, section 5 of the Constitution of the State of South Dakota, be  
11 amended to read as follows:

12 § 5. There is hereby created in the state treasury a trust fund named the health care trust  
13 fund. The state treasurer shall deposit into the health care trust fund any funds on deposit in the  
14 intergovernmental transfer fund as of July 1, 2001, and thereafter any funds appropriated to the  
15 health care trust fund as provided by law. The South Dakota Investment Council or its successor



1 shall invest the health care trust fund in stocks, bonds, mutual funds, and other financial  
2 instruments as provided by law. ~~Beginning in fiscal year 2003, and each year thereafter, the~~ The  
3 state treasurer shall make a distribution from the health care trust fund into the state general fund  
4 to be appropriated by law for health care related programs. The calculation of the distribution  
5 shall be defined by law and may promote growth of the fund and a steadily growing distribution  
6 amount. The health care trust fund may not be diverted for other purposes nor may the principal  
7 be invaded ~~unless appropriated by a three-fourths vote of all the members-elect of each house~~  
8 ~~of the Legislature.~~

9 Section 3. That Article XII, section 6 of the Constitution of the State of South Dakota, be  
10 amended to read as follows:

11 § 6. There is hereby created in the state treasury a trust fund named the education  
12 enhancement trust fund. The state treasurer shall deposit into the education enhancement trust  
13 fund any funds received as of July 1, 2001, and funds received thereafter by the state pursuant  
14 to the Master Settlement Agreement entered into on November 23, 1998, by the State of South  
15 Dakota and major United States tobacco product manufacturers or the net proceeds of any sale  
16 or securitization of rights to receive payments pursuant to the Master Settlement Agreement, any  
17 funds in the youth-at-risk trust fund as of July 1, 2001, and thereafter any funds appropriated to  
18 the education enhancement trust fund as provided by law. The South Dakota Investment Council  
19 or its successor shall invest the education enhancement trust fund in stocks, bonds, mutual  
20 funds, and other financial instruments as provided by law. ~~Beginning in fiscal year 2003, and~~  
21 ~~each year thereafter, the~~ The state treasurer shall make a distribution from the education  
22 enhancement trust fund into the state general fund to be appropriated by law for education  
23 enhancement programs. The calculation of the distribution shall be defined by law and may  
24 promote growth of the fund and a steadily growing distribution amount. The education

1 enhancement trust fund may not be diverted for other purposes nor may the principal be invaded  
2 ~~unless appropriated by a three-fourths vote of all the members-elect of each house of the~~  
3 ~~Legislature.~~