COMMITTEE REPORT

January 18, 2012

**S. 12**

Introduced by Senators McConnell, Davis, McGill, Rose, Campsen, Verdin, Rankin, Knotts and Grooms

S. Printed 1/18/12--S.

Read the first time January 11, 2011.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Joint Resolution (S. 12) proposing an amendment to Article III of the South Carolina Constitution, 1895, relating to the legislative department, by adding Section 37, so as to provide that the General Assembly, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

PHILLIP W. SHOOPMAN for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

State Election Commission

The commission indicates that the cost of an amendment on the ballot will be minimal and can be absorbed by elections funds appropriated for statewide elections.

*Approved By:*

Harry Bell

Office of State Budget

**A** **JOINT RESOLUTION**

PROPOSING AN AMENDMENT TO ARTICLE III OF THE SOUTH CAROLINA CONSTITUTION, 1895, RELATING TO THE LEGISLATIVE DEPARTMENT, BY ADDING SECTION 37, SO AS TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL DESIGNATE, AS IT DETERMINES, FUNDS IN THE STATE TREASURY AS TRUST FUNDS, TO PROVIDE THAT MONIES APPLIED TO A TRUST FUND MAY ONLY BE APPROPRIATED FOR THE DESIGNATED PURPOSE EXCEPT UPON THE ADOPTION OF A SEPARATE PIECE OF LEGISLATION ADOPTED BY A TWO-THIRDS VOTE IN EACH HOUSE; AND TO PROVIDE THAT A PROVISION DESIGNATING A FUND AS A TRUST FUND MAY ONLY BE AMENDED BY A SEPARATE PIECE OF LEGISLATION ADOPTED BY A TWO-THIRDS VOTE IN EACH HOUSE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. It is proposed that Article III of the South Carolina Constitution be amended by adding:

“Section 37. The General Assembly shall designate, as it determines, certain funds in the State Treasury as trust funds and designate the sources of state revenue to be placed in the trust fund and the purpose for which the funds may be utilized. Upon designation by the General Assembly in permanent law that a certain fund is a trust fund, the General Assembly may not appropriate monies from the fund for any purpose other than for the original designated purpose except upon the approval of a separate piece of legislation exclusively for that purpose by an affirmative vote of two-thirds of the membership of both houses with the ayes and nays recorded in the journal of the respective house. A provision of permanent law adopted pursuant to this section designating a fund as a trust fund may be amended only by a separate piece of legislation exclusively for that purpose adopted by an affirmative vote of two-thirds of the membership of both houses with the ayes and nays recorded in the journal of the respective house.”

SECTION 2. The proposed amendment in Section 1 must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with following words:

“Must Article III of the South Carolina Constitution, relating to the General Assembly, be amended to require the General Assembly to designate, as it determines, funds in the State Treasury as trust funds and to provide that the monies in these funds may not be used for any purpose other than the designated purpose except upon approval in a separate piece of legislation adopted by a two-thirds vote in each house with the roll call vote recorded, and to provide that any provision designating a fund as a trust fund may be amended only by a separate piece of legislation adopted by a two-thirds vote in each house with the roll call vote recorded?”

Yes 

No 

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word, ‘No’.”

‑‑‑‑XX‑‑‑‑