**South Carolina General Assembly**

120th Session, 2013-2014

**S. 40**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Senator Campsen

Document Path: l:\s-res\gec\024trus.hm.gec.docx

Introduced in the Senate on January 8, 2013

Currently residing in the Senate Committee on **Judiciary**

Summary: General Assembly to designate funds in state treasury as trust funds

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/13/2012 Senate Prefiled

12/13/2012 Senate Referred to Committee on **Judiciary**

1/8/2013 Senate Introduced and read first time ([Senate Journal‑page 46](file:///h:\SJ%20Archive\2013\01-08-13.docx))

1/8/2013 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 46](file:///h:\SJ%20Archive\2013\01-08-13.docx))

**VERSIONS OF THIS BILL**

[12/13/2012](file:///p:\pprever\2013-14\40_20121213.docx)

**A** **JOINT RESOLUTION**

PROPOSING AN AMENDMENT TO ARTICLE III OF THE SOUTH CAROLINA CONSTITUTION, 1895, RELATING TO THE LEGISLATIVE DEPARTMENT, BY ADDING SECTION 38, 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 38. 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‑‑‑‑