COMMITTEE REPORT

February 20, 2013

**S. 53**

Introduced by Senators Campsen, Hayes and Young

S. Printed 2/20/13--S.

Read the first time January 8, 2013.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Joint Resolution (S. 53) proposing an amendment to Section 7, Article VI of the Constitution of South Carolina, 1895, relating to the constitutional officers of this State, to delete the Superintendent of Education, etc., respectfully

**REPORT:**

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

Amend the joint resolution, as and if amended, by striking the joint resolution in its entirety and inserting therein the following:

/ A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, BEGINNING UPON THE EXPIRATION OF THE TERM OF THE SUPERINTENDENT OF EDUCATION SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, TO DELETE THE SUPERINTENDENT OF EDUCATION FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED, AND TO PROVIDE THAT THE SUPERINTENDENT OF EDUCATION MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE AND MUST SERVE AT THE PLEASURE OF THE GOVERNOR; AND TO REQUIRE THAT THE GENERAL ASSEMBLY PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR OFFICE, AND THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE.

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

SECTION 1. It is proposed that Section 7, Article VI of the Constitution of this State be amended by adding the following new paragraph at the end:

“Beginning upon the expiration of the term of the Superintendent of Education serving in office on the date of the ratification of the provisions of this paragraph, the Superintendent of Education must be appointed by the Governor, upon the advice and consent of the Senate. The appointed Superintendent of Education shall serve at the pleasure of the Governor. The General Assembly shall provide by law for the duties, compensation, and qualifications for office, and the procedures by which the appointment is made.”

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 the following words printed or written on the ballot:

“Must Section 7, Article VI of the Constitution of this State, relating to state constitutional officers, be amended so as to delete the Superintendent of Education from the list of state officers which the Constitution requires to be elected; to provide that upon the expiration of the term of the Superintendent of Education serving in office on the date of the ratification of this provision, the superintendent must be appointed by the Governor, upon the advice and consent of the Senate; to provide that the appointed Superintendent of Education shall serve at the pleasure of the Governor; and to require the General Assembly to provide by law for the duties, compensation, and qualifications for office, and the procedures by which the appointment is made?

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’.” /

Renumber sections to conform.

Amend title to conform.

Majority favorable. Minority unfavorable.

TOM YOUNG, JR. KEVIN L. JOHNSON

For Majority. For Minority.

**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:**

The State Election Commission reports the cost to place a referendum on the ballot could be covered by existing funds appropriated for statewide elections.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **JOINT RESOLUTION**

PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, TO DELETE THE SUPERINTENDENT OF EDUCATION FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE SUPERINTENDENT OF EDUCATION MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE SUPERINTENDENT OF EDUCATION SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION; AND PROPOSING AN AMENDMENT TO SECTION 1, ARTICLE XI, RELATING TO THE STATE BOARD OF EDUCATION, SO AS TO ABOLISH THE BOARD EFFECTIVE UPON THE STATE SUPERINTENDENT OF EDUCATION BEING APPOINTED BY THE GOVERNOR.

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

SECTION 1. It is proposed that Section 7, Article VI of the Constitution of this State be amended by adding the following new paragraph at the end:

“Beginning upon the expiration of the term of the Superintendent of Education serving in office on the date of the ratification of the provisions of this paragraph, the Superintendent of Education must be appointed by the Governor, upon the advice and consent of the Senate. The term of office must be for four years, coterminous with that of the Governor. The General Assembly shall provide by law for the duties, compensation, and qualifications for office, the procedures by which the appointment is made, and the procedures by which the Superintendent of Education may be removed from office.”

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 the following words printed or written on the ballot:

“Must Section 7, Article VI of the Constitution of this State, relating to state constitutional officers, be amended so as to delete the Superintendent of Education from the list of state officers which the Constitution requires to be elected; to provide that upon the expiration of the term of the Superintendent of Education serving in office on the date of the ratification of this provision, the superintendent must be appointed by the Governor, upon the advice and consent of the Senate; and to require the General Assembly to provide by law for the duties, compensation, and qualifications for office, the procedures by which the appointment is made, and the procedures by which the Superintendent of Education may be removed from office?

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’.”

SECTION 3. It is proposed that Section 1, Article XI of the Constitution of this State be amended by adding the following new paragraph at the end:

“Effective upon the State Superintendent of Education being appointed by the Governor as provided in this Constitution, the State Board of Education is abolished.”

SECTION 4. The proposed amendment in Section 3 must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Section 1, Article XI of the Constitution of this State, relating to the State Board of Education, be amended so as to abolish the board effective upon the State Superintendent of Education being appointed by the Governor?

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’.”

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