COMMITTEE REPORT

January 24, 2017

**S. 137**

Introduced by Senators Campsen, Hembree, Climer and Young

S. Printed 1/24/17--S.

Read the first time January 10, 2017.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Joint Resolution (S. 137) proposing an amendment to Section 7, Article VI of the Constitution of South Carolina, 1895, as amended, relating to the Constitutional Officers of this State, etc., respectfully

**REPORT:**

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

BRAD HUTTO for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Introduced on January 10, 2017**

**State Expenditure**

This bill proposes an amendment to Section 7, Article VI of the South Carolina Constitution to require the state superintendent of education to be appointed by the Governor with the advice and consent of the Senate beginning in January 2023, or upon a vacancy in the office of the state superintendent of education after the date of the ratification of the constitutional change, whichever occurs first. The appointed superintendent of education would serve at the pleasure of the Governor, and the General Assembly would provide by law for the duties, compensation, and qualifications for the office. The State Election Commission would place the proposal on the ballot during the next general election for representatives.

**Election Commission.** The commission indicates this bill will have a minimal expenditure impact on the general fund, other funds, or federal funds. The cost to add another referendum to the ballot would be minimal and would be covered by current appropriations.

**Department of Education.** If the constitutional amendment is adopted, the State Department of Education estimates the superintendent’s salary and benefits could increase by $52,253 annually based on required differences between agency head salary and the salaries of other agency employees, to $103,689, based on the January 2013 Hay Group Compensation Review of Constitutional Officers of the State of South Carolina. The position would not become appointed until after the general election in 2018, and ratification of a constitutional amendment during the 2019 legislative session. As a result, any increase in the superintendent’s salary would be effective for not more than one-half of FY 2018-19. Therefore, this bill would increase general fund expenditures from $26,127 to $51,845 in FY 2018-19, and an additional $26,127 to $51,845 in FY 2018-19, for a total increase of $52,253 to $103,684 in FY 2018-19 and each year after.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **JOINT RESOLUTION**

PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, AS AMENDED, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS 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 TO SERVE AT THE PLEASURE OF THE GOVERNOR BEGINNING IN JANUARY 2023, OR UPON A VACANCY IN THE OFFICE OF THE SUPERINTENDENT OF EDUCATION AFTER THE DATE OF THE RATIFICATION OF THIS AMENDMENT, WHICHEVER OCCURS FIRST, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR THE OFFICE.

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, as last amended by Act 1 of 2015, is further amended by adding the following new paragraph at the end:

“Beginning in January 2023, or upon a vacancy in the office of Superintendent of Education after the date of the ratification of the provisions of this paragraph, whichever occurs first, the Superintendent of Education must be appointed by the Governor, with 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 the 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 provide that beginning in January 2023, or upon a vacancy in the office of Superintendent of Education after the date of the ratification of the provisions of this paragraph, whichever occurs first, the Superintendent of Education must be appointed by the Governor, with 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 the 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’.”

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