**South Carolina General Assembly**

124th Session, 2021-2022

**A76, R92, H3786**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. G.M. Smith, Murphy and Weeks

Document Path: l:\council\bills\nbd\11165dg21.docx

Introduced in the House on February 2, 2021

Introduced in the Senate on April 8, 2021

Last Amended on May 12, 2021

Passed by the General Assembly on May 12, 2021

Governor's Action: May 17, 2021, Signed

Summary: Constitutional officers salaries

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/2/2021 House Introduced and read first time ([House Journal‑page 45](file:///h%3A%5Chj%5C20210202.docx))

 2/2/2021 House Referred to Committee on **Ways and Means** ([House Journal‑page 45](file:///h%3A%5Chj%5C20210202.docx))

 4/6/2021 House Member(s) request name added as sponsor: Weeks

 4/6/2021 House Committee report: Favorable with amendment **Ways and Means** ([House Journal‑page 101](file:///h%3A%5Chj%5C20210406.docx))

 4/7/2021 House Amended ([House Journal‑page 20](file:///h%3A%5Chj%5C20210407.docx))

 4/7/2021 House Read second time ([House Journal‑page 20](file:///h%3A%5Chj%5C20210407.docx))

 4/7/2021 House Roll call Yeas‑98 Nays‑4 ([House Journal‑page 23](file:///h%3A%5Chj%5C20210407.docx))

 4/8/2021 House Read third time and sent to Senate ([House Journal‑page 7](file:///h%3A%5Chj%5C20210408.docx))

 4/8/2021 Senate Introduced and read first time ([Senate Journal‑page 10](file:///h%3A%5Csj%5C20210408.docx))

 4/8/2021 Senate Referred to Committee on **Finance** ([Senate Journal‑page 10](file:///h%3A%5Csj%5C20210408.docx))

 5/5/2021 Senate Polled out of committee **Finance** ([Senate Journal‑page 11](file:///h%3A%5Csj%5C20210505.docx))

 5/5/2021 Senate Committee report: Favorable **Finance** ([Senate Journal‑page 11](file:///h%3A%5Csj%5C20210505.docx))

 5/6/2021 Senate Read second time ([Senate Journal‑page 47](file:///h%3A%5Csj%5C20210506.docx))

 5/11/2021 Senate Amended ([Senate Journal‑page 14](file:///h%3A%5Csj%5C20210511.docx))

 5/11/2021 Senate Read third time and returned to House with amendments ([Senate Journal‑page 14](file:///h%3A%5Csj%5C20210511.docx))

 5/11/2021 Senate Roll call Ayes‑45 Nays‑0 ([Senate Journal‑page 14](file:///h%3A%5Csj%5C20210511.docx))

 5/12/2021 House Senate amendment amended ([House Journal‑page 25](file:///h%3A%5Chj%5C20210512.docx))

 5/12/2021 House Returned to Senate with amendments ([House Journal‑page 25](file:///h%3A%5Chj%5C20210512.docx))

 5/12/2021 House Roll call Yeas‑114 Nays‑0 ([House Journal‑page 28](file:///h%3A%5Chj%5C20210512.docx))

 5/12/2021 Senate Concurred in House amendment and enrolled ([Senate Journal‑page 27](file:///h%3A%5Csj%5C20210512.docx))

 5/12/2021 Senate Roll call Ayes‑39 Nays‑3 ([Senate Journal‑page 27](file:///h%3A%5Csj%5C20210512.docx))

 5/13/2021 Ratified R 92

 5/17/2021 Signed By Governor

 6/1/2021 Effective date 05/17/21

 6/1/2021 Act No.  76

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**VERSIONS OF THIS BILL**

[2/2/2021](file:///p%3A%5Cpprever%5C2021-22%5C3786_20210202.docx)

[4/6/2021](file:///p%3A%5Cpprever%5C2021-22%5C3786_20210406.docx)

[4/7/2021](file:///p%3A%5Cpprever%5C2021-22%5C3786_20210407.docx)

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[5/11/2021](file:///p%3A%5Cpprever%5C2021-22%5C3786_20210511.docx)

[5/12/2021](file:///%5C%5CLSA-FS1%5CCommon_Spc%5Cpprever%5C2021-22%5C3786_20210512.docx)

(A76, R92, H3786)

**AN ACT TO AMEND SECTION 1‑1‑1210, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ANNUAL SALARIES OF STATE CONSTITUTIONAL OFFICERS, SO AS TO PROVIDE THAT BEGINNING WITH FISCAL YEAR 2022‑2023 SALARIES FOR CERTAIN STATE CONSTITUTIONAL OFFICERS MUST BE BASED ON RECOMMENDATIONS BY THE AGENCY HEAD SALARY COMMISSION TO THE GENERAL ASSEMBLY; TO AMEND SECTION 8‑11‑160, RELATING TO THE AGENCY HEAD SALARY COMMISSION AND SALARY INCREASES FOR AGENCY HEADS, SO AS TO PROVIDE THAT THE AGENCY HEAD SALARY COMMISSION MUST MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY FOR THE SALARIES FOR CERTAIN CONSTITUTIONAL OFFICERS; AND TO AMEND SECTION 8‑11‑165, RELATING TO SALARY AND FRINGE BENEFIT SURVEYS, SO AS TO PROVIDE THAT SALARY SURVEYS BE CONDUCTED FOR CERTAIN CONSTITUTIONAL OFFICERS.**

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

**Salaries of certain constitutional officers**

SECTION 1. Section 1‑1‑1210 of the 1976 Code, as last amended by Act 178 of 2018, is further amended to read:

 “Section 1‑1‑1210. (A) The annual salaries of the state officers listed below are:

 Governor $98,000

 Lieutenant Governor 43,000

 Secretary of State 85,000

 State Treasurer 85,000

 Attorney General 85,000

 Comptroller General 85,000

 Superintendent of Education 85,000

 Adjutant General 85,000

 Commissioner of Agriculture 85,000

 (B) These salaries must be increased by two percent on July 1, 1991, and on July first of each succeeding year through July 1, 1994.

 (C) A state officer whose salary is provided in this section may not receive compensation for ex officio service on any state board, committee, or commission.

 (D) Beginning with Fiscal Year 2022‑2023, and beginning when the state officer’s term commences and lasting until the term concludes, with the exception of the Governor and Lieutenant Governor, salaries for the state officers listed in subsection (A) must be based on recommendations by the Agency Head Salary Commission to the General Assembly as provided in Sections 8‑11‑160 and 8‑11‑165.”

**Agency Head Salary Commission recommendations**

SECTION 2. Section 8‑11‑160 of the 1976 Code is amended to read:

 “Section 8‑11‑160. (A) All boards and commissions are required to submit justification of an agency head’s performance and salary recommendations to the Agency Head Salary Commission.

 (B) This commission consists of four appointees of the chairman of the House Ways and Means Committee, four appointees of the chairman of the Senate Finance Committee, and three appointees of the Governor with experience in executive compensation.

 (C) Beginning with Fiscal Year 2022‑2023:

 (1) salaries for the term of state officers listed in Section 1‑1‑1210(A), with the exception of the Governor and Lieutenant Governor, must be based on recommendations by the Agency Head Salary Commission to the General Assembly; and

 (2) the Agency Head Salary Commission shall authorize a study be conducted every four years to recommend a salary range for each state constitutional officer, with the exception of the Governor and Lieutenant Governor, based on their job duties and responsibilities as well as the pay of state constitutional officers in other states.

 (D) Salary increases for agency heads must be based on recommendations by each agency board or commission to the Agency Head Salary Commission and their recommendations to the General Assembly.”

**Agency Head Salary Commission study**

SECTION 3. Section 8‑11‑165 of the 1976 Code is amended to read:

 “Section 8‑11‑165. (A) It is the intent of the General Assembly that:

 (1) A salary and fringe benefit survey for agency heads must be conducted by the State Fiscal Accountability Authority every four years. The staff of the authority shall serve as the support staff to the Agency Head Salary Commission.

 (2) Beginning with the Fiscal Year 2022‑2023 and every four years thereafter, the Agency Head Salary Commission shall commission a study to recommend a salary range for the term of each state constitutional officer listed in Section 1‑1‑1210, with the exception of the Governor and Lieutenant Governor, based on each state constitutional officer’s job duties and responsibilities as well as the pay of other state constitutional officers in other states. The commission shall then determine a salary for the term of each such state constitutional officer within the recommended pay range subject to funding being provided in the annual appropriations act.

 (B) No employee of agencies reviewed by the Agency Head Salary Commission may receive a salary in excess of ninety‑five percent of the midpoint of the agency head salary range or the agency head actual salary, whichever is greater, except on approval of the Director of the Division of State Human Resources at the Department of Administration, and except for employees of higher education technical colleges, colleges, and universities.

 (C) The Agency Head Salary Commission may recommend to the General Assembly that agency head salaries be adjusted to the minimum of their salary ranges and may recommend to the board that agency head salaries be adjusted when necessary up to the midpoints of their respective salary ranges. These increases must be based on criteria developed and approved by the Agency Head Salary Commission.

 (D) All new members appointed to a governing board of an agency where the performance of the agency head is reviewed and ranked by the Agency Head Salary Commission shall attend the training in agency head performance appraisal provided by the commission within the first year of their appointment unless specifically excused by the chairman of the Agency Head Salary Commission.”

**Time effective**

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

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