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COMMITTEE REPORT

March 21, 2018

**S. 27**

Introduced by Senators Campsen, Young, Hembree, Climer, Gregory, Scott, J. Matthews, Setzler, Turner and Timmons

S. Printed 3/21/18--H.

Read the first time February 7, 2017.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 27) to amend Section 59‑3‑10, Code of Laws of South Carolina, 1976, relating to the election of the State Superintendent of Education, etc., respectfully

**REPORT:**

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

F. GREGORY DELLENEY, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 59‑3‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ELECTION OF THE STATE SUPERINTENDENT OF EDUCATION, SO AS TO PROVIDE FOR THE APPOINTMENT OF THE SUPERINTENDENT BY THE GOVERNOR, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, AND TO PROVIDE FOR THE TERM, QUALIFICATIONS, AND FILLING OF A VACANCY IN THE OFFICE OF SUPERINTENDENT; AND TO REPEAL SECTION 59‑3‑20 RELATING TO VACANCIES IN THE OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION.

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

SECTION 1. Section 59‑3‑10 of the 1976 Code is amended to read:

“Section 59‑3‑10. (A) The State Superintendent of Education ~~shall~~ must be ~~elected at each general election in the same manner as other State officers and shall enter upon the duties of his office at the time prescribed by law. Before entering upon the duties of his office he shall give bond for the use of the State in the penal sum of five thousand dollars, with good and sufficient sureties, to be approved by the Governor, conditioned for the faithful and impartial performance of the duties of his office, and he shall also, at the time of giving bond, take and subscribe the oath prescribed in Section 26 of Article III of the Constitution of the State, which shall be endorsed upon the back of the bond. The bond shall be filed with the Secretary of State, and by him recorded and, when so recorded, shall be filed with the State Treasurer. The Superintendent of Education shall receive as compensation for his services such sum as the General Assembly shall by law provide, payable monthly out of the State Treasury, and his traveling expenses, not exceeding three hundred dollars, shall be paid out of the State Treasury upon duly itemized accounts rendered by him~~ appointed by the Governor, with the advice and consent of the Senate. The superintendent shall serve at the pleasure of the Governor and must receive such compensation as may be established under the provision of Section 8‑11‑160. A vacancy in the office of superintendent must be filled as provided in Section 1‑30‑10(B)(1)(iv) and in Section 1‑3‑210, as applicable.

(B) The Superintendent of Education must possess:

(1) the minimum of a master’s degree and substantive and broad-based experience in the field of public education including, but not limited to, service as a classroom teacher, principal, other school or school district administrator, school district superintendent, or other education policy making body at either the state or local level or any combination of them; or

(2) the minimum of a master’s degree and substantive and broad-based experience in operational and financial management in any field of expertise including, but not limited to, finance, economics, accounting, law, or business.

(C) Any judicial action challenging the qualifications of a candidate or appointee, as appropriate, must be brought in circuit court within thirty days of the close of candidate filing or appointment for Superintendent of Education.

SECTION 2. Section 1‑30‑100(B)(1) of the 1976 Code, as last amended by Act 121 of 2014, is further amended to read:

“(1) The governing authority of each department shall be:

(i) a director or a secretary, who must be appointed by the Governor with the advice and consent of the Senate, subject to removal from office by the Governor pursuant to provisions of Section 1‑3‑240(B); or

(ii) a board to be appointed and constituted in a manner provided for by law; or

(iii) in the case of the Department of Agriculture ~~and the Department of Education~~, the State Commissioner of Agriculture ~~and the State Superintendent of Education, respectively,~~ elected to office under the Constitution of this State; or

(iv) in the case of the Department of Education, the State Superintendent of Education appointed by the Governor with the advice and consent of the Senate, serving at the pleasure of the Governor; or

(v) in the case of the Department of Transportation, a seven member commission constituted in a manner provided by law, and a Secretary of Transportation appointed by and serving at the pleasure of the Governor.”

SECTION 3. Section 1‑1‑1210 of the 1976 Code is amended to read:

“Section 1‑1‑1210. 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

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

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.”

SECTION 4. The person elected State Superintendent of Education in the 2018 General Election shall serve out his term; however, if the person vacates that office before the term expires in January 2023, any successors must: (1) be appointed as provided in Section 1‑30‑10(B)(1)(iv); and (2) must satisfy the experience requirements of Section 59‑3‑10(B).

SECTION 5. Section 59‑3‑20 of the 1976 Code is repealed.

SECTION 6. The provisions of Section 59-3-10(B), as contained in SECTION 1, take effect upon approval by the Governor. The remaining provisions of this act take effect upon approval and ratification of an amendment to Section 7, Article VI of the South Carolina Constitution, 1895, providing for the appointment of the State Superintendent of Education by the Governor, with the advice and consent of the Senate, and are applicable beginning with the 2018 General Election.

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