**South Carolina General Assembly**

119th Session, 2011-2012

**H. 3070**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Reps. Young, Harrison, G.R. Smith, H.B. Brown, Taylor, Hamilton, Murphy, G.M. Smith, Bingham, Long, Patrick, Viers, Funderburk, Horne, Willis, Simrill, Pope, Clemmons, Harrell, Bedingfield, Henderson, D.C. Moss, Erickson and Edge

Document Path: l:\council\bills\dka\3128sd11.docx

Companion/Similar bill(s): 132

Introduced in the House on January 11, 2011

Introduced in the Senate on March 3, 2011

Currently residing in the Senate

Summary: Constitutional amendment proposed

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/7/2010 House Prefiled

12/7/2010 House Referred to Committee on **Judiciary**

1/11/2011 House Introduced and read first time ([House Journal‑page 32](file:///h:\hj%20archive\2011\01-11-11.docx))

1/11/2011 House Referred to Committee on **Judiciary** ([House Journal‑page 32](file:///h:\hj%20archive\2011\01-11-11.docx))

1/12/2011 House Member(s) request name added as sponsor: Long

1/19/2011 House Member(s) request name added as sponsor: Patrick, Viers

2/8/2011 House Member(s) request name added as sponsor: Funderburk

2/16/2011 House Member(s) request name added as sponsor: Horne

2/16/2011 House Committee report: Favorable **Judiciary** ([House Journal‑page 4](file:///h:\hj%20archive\2011\02-16-11.docx))

2/17/2011 House Member(s) request name added as sponsor: Willis

2/17/2011 Scrivener's error corrected

2/22/2011 House Member(s) request name added as sponsor: Pope, Simrill, Clemmons

2/22/2011 House Debate adjourned until Tuesday, March 1, 2011 ([House Journal‑page 33](file:///h:\hj%20archive\2011\02-22-11.docx))

2/24/2011 House Member(s) request name added as sponsor: Harrell

3/1/2011 House Member(s) request name added as sponsor: Bedingfield, Henderson, D.C.Moss

3/2/2011 House Member(s) request name added as sponsor: Erickson, Edge

3/2/2011 House Requests for debate‑Rep(s). Young, Weeks, Hixon, Delleney, Taylor, GR Smith, Bedingfield, Clyburn, Hosey, Hayes, Norman, Parker, Allison, Forrester, and Brantley ([House Journal‑page 37](file:///h:\hj%20archive\2011\03-02-11.docx))

3/2/2011 House Read second time ([House Journal‑page 116](file:///h:\hj%20archive\2011\03-02-11.docx))

3/2/2011 House Roll call Yeas‑82 Nays‑28 ([House Journal‑page 117](file:///h:\hj%20archive\2011\03-02-11.docx))

3/3/2011 House Read third time and sent to Senate ([House Journal‑page 31](file:///h:\hj%20archive\2011\03-03-11.docx))

3/3/2011 Senate Introduced and read first time ([Senate Journal‑page 14](file:///h:\sj%20archive\2011\03-03-11.docx))

3/3/2011 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 14](file:///h:\sj%20archive\2011\03-03-11.docx))

3/14/2011 Senate Referred to Subcommittee: L.Martin (ch), Ford, Hutto, Campsen, Campbell, S.Martin, Scott

4/20/2011 Senate Committee report: Majority favorable with amend., minority unfavorable **Judiciary** ([Senate Journal‑page 10](file:///h:\sj%20archive\2011\04-20-11.docx))

4/21/2011 Scrivener's error corrected

4/26/2011 Senate Minority Report Removed ([Senate Journal‑page 35](file:///h:\sj%20archive\2011\04-26-11.docx))

**VERSIONS OF THIS BILL**

[12/7/2010](file:///p:\pprever\2011-12\3070_20101207.docx)

[2/16/2011](file:///p:\pprever\2011-12\3070_20110216.docx)

[2/17/2011](file:///p:\pprever\2011-12\3070_20110217.docx)

[4/20/2011](file:///p:\pprever\2011-12\3070_20110420.docx)

[4/21/2011](file:///p:\pprever\2011-12\3070_20110421.docx)

COMMITTEE REPORT

April 20, 2011

**H. 3070**

Introduced by Reps. Young, Harrison, G.R. Smith, H.B. Brown, Taylor, Hamilton, Murphy, G.M. Smith, Bingham, Long, Patrick, Viers, Funderburk, Horne, Willis, Simrill, Pope, Clemmons, Harrell, Bedingfield, Henderson, D.C. Moss, Erickson and Edge

S. Printed 4/20/11--S. [SEC 4/21/11 12:12 PM]

Read the first time March 3, 2011.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Joint Resolution (H. 3070) proposing an amendment to Section 7, Article VI of the Constitution of South Carolina, 1895, relating to the Constitutional Officers of this State, so as to delete, 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, SO AS TO DELETE THE SUPERINTENDENT OF EDUCATION FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED, TO 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 TO PROVIDE THAT 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.

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?

The proposed amendment 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:

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.

LARRY A. MARTIN JOHN M. KNOTTS, JR.

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 Elections Commission indicates there is no additional cost with the adoption of this bill.

*Approved By:*

Harry Bell

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, 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 GENERAL ASSEMBLY 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 TO PROVIDE THAT 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.

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 General Assembly. 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 General Assembly; 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’.”

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