**South Carolina General Assembly**

121st Session, 2015-2016

**H. 3041**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Reps. Delleney, Allison, Atwater, Ballentine, Bannister, Bedingfield, Bingham, Bradley, Brannon, Burns, Clary, Clemmons, Collins, H.A. Crawford, Daning, Duckworth, Erickson, Forrester, Goldfinch, Hamilton, Hardee, Hardwick, Henderson, Herbkersman, Hicks, Hill, Hiott, Hixon, Horne, Huggins, Kennedy, Limehouse, Loftis, Long, Lowe, Lucas, McCoy, Merrill, D.C. Moss, V.S. Moss, Murphy, Nanney, Newton, Pitts, Pope, Putnam, Ryhal, Sandifer, Simrill, G.M. Smith, G.R. Smith, Sottile, Spires, Stringer, Tallon, Taylor, Thayer, Wells, White, Whitmire, Willis, Yow, Funderburk, Corley and Bales

Document Path: l:\council\bills\ggs\22656zw15.docx

Companion/Similar bill(s): 68, 120, 1017

Introduced in the House on January 13, 2015

Introduced in the Senate on February 11, 2016

Last Amended on February 10, 2016

Currently residing in the Senate

Summary: Constitutional officers of S.C.

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/11/2014 House Prefiled

12/11/2014 House Referred to Committee on **Judiciary**

1/13/2015 House Introduced and read first time ([House Journal‑page 74](file:///h:\HJ%20Archive\2015\01-13-15.docx))

1/13/2015 House Referred to Committee on **Judiciary** ([House Journal‑page 74](file:///h:\HJ%20Archive\2015\01-13-15.docx))

1/21/2015 House Member(s) request name added as sponsor: J.E.Smith

1/28/2015 House Committee report: Favorable **Judiciary** ([House Journal‑page 5](file:///h:\HJ%20Archive\2015\01-28-15.docx))

1/29/2015 House Member(s) request name added as sponsor: Funderburk

2/3/2015 House Member(s) request name removed as sponsor: J.E.Smith

2/3/2015 House Requests for debate‑Rep(s). Bannister, Ott, Hart, JE Smith, Gambrell, WJ McLeod, Ling, Gagnon, Knight, Douglas, Crosby, Anthony, Tallon, RL Brown, Putnam, Forrester, Henegan, Chumley, Anderson, Hicks, Brannon, Gilliard, Hosey, Clybruen, Clary, Weeks, Norman, McCoy, Dilliard, Robinson‑Simpson, Ballentine, Huggins, Atwater, Loftis, Ridgeway ([House Journal‑page 35](file:///h:\HJ%20Archive\2015\02-03-15.docx))

2/4/2015 House Debate adjourned until Thur., 2‑5‑15 ([House Journal‑page 40](file:///h:\HJ%20Archive\2015\02-04-15.docx))

2/5/2015 House Debate adjourned until Tues., 2‑10‑15 ([House Journal‑page 29](file:///h:\HJ%20Archive\2015\02-05-15.docx))

2/11/2015 House Debate adjourned until Wed., 2‑18‑15 ([House Journal‑page 53](file:///h:\HJ%20Archive\2015\02-11-15.docx))

2/19/2015 House Member(s) request name removed as sponsor: McKnight

2/19/2015 House Debate adjourned until Tues., 2‑25‑15 ([House Journal‑page 40](file:///h:\HJ%20Archive\2015\02-19-15.docx))

2/25/2015 House Debate adjourned until Tues., 3‑3‑15 ([House Journal‑page 29](file:///h:\HJ%20Archive\2015\02-25-15.docx))

3/3/2015 House Member(s) request name added as sponsor: Corley

3/4/2015 House Debate adjourned until Thur., 3‑5‑15 ([House Journal‑page 69](file:///h:\HJ%20Archive\2015\03-04-15.docx))

3/5/2015 House Debate adjourned until Tues., 3‑17‑15 ([House Journal‑page 50](file:///h:\HJ%20Archive\2015\03-05-15.docx))

3/18/2015 House Debate adjourned until Thur., 3‑19‑15 ([House Journal‑page 27](file:///h:\HJ%20Archive\2015\03-18-15.docx))

3/19/2015 House Debate adjourned until Tues., 3‑24‑15 ([House Journal‑page 26](file:///h:\HJ%20Archive\2015\03-19-15.docx))

3/25/2015 House Read second time ([House Journal‑page 77](file:///h:\HJ%20Archive\2015\03-25-15.docx))

3/25/2015 House Roll call Yeas‑67 Nays‑40 ([House Journal‑page 79](file:///h:\HJ%20Archive\2015\03-25-15.docx))

3/26/2015 House Recommitted to Committee on **Judiciary** ([House Journal‑page 48](file:///h:\HJ%20Archive\2015\03-26-15.docx))

2/3/2016 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 2](file:///h:\HJ%20Archive\2016\02-03-16.docx))

2/9/2016 House Debate adjourned until Wed., 2‑10‑16 ([House Journal‑page 21](file:///h:\HJ%20Archive\2016\02-09-16.docx))

2/10/2016 House Member(s) request name added as sponsor: Bales

2/10/2016 House Amended ([House Journal‑page 16](file:///h:\HJ%20Archive\2016\02-10-16.docx))

2/10/2016 House Read second time ([House Journal‑page 16](file:///h:\HJ%20Archive\2016\02-10-16.docx))

2/10/2016 House Roll call Yeas‑93 Nays‑21 ([House Journal‑page 19](file:///h:\HJ%20Archive\2016\02-10-16.docx))

2/11/2016 House Read third time and sent to Senate ([House Journal‑page 43](file:///h:\HJ%20Archive\2016\02-11-16.docx))

2/11/2016 House Roll call Yeas‑83 Nays‑20 ([House Journal‑page 44](file:///h:\HJ%20Archive\2016\02-11-16.docx))

2/11/2016 Senate Introduced and read first time ([Senate Journal‑page 5](file:///h:\SJ%20Archive\2016\02-11-16.docx))

2/11/2016 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 5](file:///h:\SJ%20Archive\2016\02-11-16.docx))

4/19/2016 Senate Polled out of committee **Judiciary** ([Senate Journal‑page 13](file:///h:\SJ%20Archive\2016\04-19-16.docx))

4/19/2016 Senate Committee report: Majority favorable with amend., minority unfavorable **Judiciary** ([Senate Journal‑page 13](file:///h:\SJ%20Archive\2016\04-19-16.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3041&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/11/2014](file:///p:\pprever\2015-16\3041_20141211.docx)

[1/28/2015](file:///p:\pprever\2015-16\3041_20150128.docx)

[2/3/2016](file:///p:\pprever\2015-16\3041_20160203.docx)

[2/10/2016](file:///p:\pprever\2015-16\3041_20160210.docx)

[4/19/2016](file:///p:\pprever\2015-16\3041_20160419.docx)

POLLED OUT OF COMMITTEE

MAJORITY FAVORABLE

April 19, 2016

**H. 3041**

Introduced by Reps. Delleney, Allison, Atwater, Ballentine, Bannister, Bedingfield, Bingham, Bradley, Brannon, Burns, Clary, Clemmons, Collins, H.A. Crawford, Daning, Duckworth, Erickson, Forrester, Goldfinch, Hamilton, Hardee, Hardwick, Henderson, Herbkersman, Hicks, Hill, Hiott, Hixon, Horne, Huggins, Kennedy, Limehouse, Loftis, Long, Lowe, Lucas, McCoy, Merrill, D.C. Moss, V.S. Moss, Murphy, Nanney, Newton, Pitts, Pope, Putnam, Ryhal, Sandifer, Simrill, G.M. Smith, G.R. Smith, Sottile, Spires, Stringer, Tallon, Taylor, Thayer, Wells, White, Whitmire, Willis, Yow, Funderburk, Corley and Bales

S. Printed 4/19/16--S.

Read the first time February 11, 2016.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Joint Resolution (H. 3041) 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, etc., respectfully

**REPORT:**

Has polled the Joint Resolution out majority favorable.

**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 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 January 10, 2019, and after 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 provide that upon the expiration of the term of the Superintendent of Education serving in office on January 10, 2019, and after the date of the ratification of this provision, the Superintendent of Education 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’.”

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