COMMITTEE REPORT

February 3, 2016

**S. 1017**

Introduced by Senators Campsen, L. Martin, Peeler, Massey, Bryant, Turner, Hembree and Young

S. Printed 2/3/16--S. [SEC 2/4/16 2:47 PM]

Read the first time January 21, 2016.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Joint Resolution (S. 1017) proposing an amendment to Section 7, Article VI of the Constitution of South Carolina, 1895, relating to the Constitutional Officers of this State, beginning upon, 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, page 1, by striking lines 14 through 16 and inserting therein the following:

/ STATE, BEGINNING UPON THE EXPIRATION OF THE TERM OF THE SUPERINTENDENT OF EDUCATION ELECTED IN THE GENERAL ELECTION IN 2018, AND AFTER THE /

Amend the joint resolution further, as and if amended, page 1, by striking lines 37 through 39, in SECTION 1, and inserting therein the following:

/ “Beginning upon the expiration of the term of the Superintendent of Education elected in the general election in 2018, and after the ratification of the provisions of this paragraph, the Superintendent /

Amend the joint resolution further, as and if amended, page 2, by striking lines 12 thru 17, in SECTION 2, and inserting therein the following:

/ upon the expiration of the term of the Superintendent of Education elected in the general election in 2018, 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 /

Renumber sections to conform.

Amend title to conform.

Majority favorable. Minority unfavorable.

GEORGE E. CAMPSEN III CREIGHTON B. COLEMAN

For Majority. For Minority.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

This bill would have no expenditure impact on the general fund, federal funds, or other funds.

**Explanation of Fiscal Impact**

**State Expenditure**

This bill amends Section 7, Article VI of the Constitution of this State by stating that after January 10, 2019, the Superintendent of Education is to 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. The State Election Commission will place this amendment on the ballot during the next general election for representatives.

**State Election Commission.** The State Election Commission indicates this bill will have a minimal fiscal impact on the general fund, federal funds, or other funds and can be absorbed within current appropriations.

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, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, BEGINNING UPON THE EXPIRATION OF THE TERM OF THE SUPERINTENDENT OF EDUCATION SERVING IN OFFICE ON JANUARY 10, 2019, AND AFTER THE RATIFICATION OF THIS PROVISION, TO DELETE THE SUPERINTENDENT OF EDUCATION FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED, AND TO PROVIDE THAT THE SUPERINTENDENT OF EDUCATION MUST BE APPOINTED BY THE GOVERNOR, UPON THE ADVICE AND CONSENT OF THE SENATE, AND MUST SERVE AT THE PLEASURE OF THE GOVERNOR, AND TO REQUIRE THAT THE GENERAL ASSEMBLY PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR THE OFFICE, AND THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE.

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, 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 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 questions shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

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