**South Carolina General Assembly**

122nd Session, 2017-2018

**A178, R194, S27**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Campsen, Young, Hembree, Climer, Gregory, Scott, J. Matthews, Setzler, Turner and Timmons

Document Path: l:\council\bills\agm\19025wab17.docx

Introduced in the Senate on January 10, 2017

Introduced in the House on February 7, 2017

Last Amended on February 2, 2017

Passed by the General Assembly on May 3, 2018

Governor's Action: May 15, 2018, Signed

Summary: Superintendent of Education, appointment by the Governor

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/13/2016 Senate Prefiled

 12/13/2016 Senate Referred to Committee on **Education**

 1/10/2017 Senate Introduced and read first time ([Senate Journal‑page 28](file:///h%3A%5Csj%5C20170110.docx))

 1/10/2017 Senate Referred to Committee on **Education** ([Senate Journal‑page 28](file:///h%3A%5Csj%5C20170110.docx))

 1/26/2017 Senate Committee report: Favorable with amendment **Education** ([Senate Journal‑page 10](file:///h%3A%5Csj%5C20170126.docx))

 1/27/2017 Scrivener's error corrected

 1/31/2017 Senate Special order, set for January 31, 2017 ([Senate Journal‑page 35](file:///h%3A%5Csj%5C20170131.docx))

 2/1/2017 Senate Committee Amendment Adopted ([Senate Journal‑page 38](file:///h%3A%5Csj%5C20170201.docx))

 2/1/2017 Senate Amended ([Senate Journal‑page 38](file:///h%3A%5Csj%5C20170201.docx))

 2/1/2017 Senate Read second time ([Senate Journal‑page 38](file:///h%3A%5Csj%5C20170201.docx))

 2/1/2017 Senate Roll call Ayes‑41 Nays‑0 ([Senate Journal‑page 38](file:///h%3A%5Csj%5C20170201.docx))

 2/2/2017 Senate Amended ([Senate Journal‑page 14](file:///h%3A%5Csj%5C20170202.docx))

 2/2/2017 Senate Read third time and sent to House ([Senate Journal‑page 14](file:///h%3A%5Csj%5C20170202.docx))

 2/2/2017 Senate Roll call Ayes‑39 Nays‑0 ([Senate Journal‑page 14](file:///h%3A%5Csj%5C20170202.docx))

 2/2/2017 Scrivener's error corrected

 2/3/2017 Scrivener's error corrected

 2/7/2017 House Introduced and read first time ([House Journal‑page 6](file:///h%3A%5Chj%5C20170207.docx))

 2/7/2017 House Referred to Committee on **Judiciary** ([House Journal‑page 6](file:///h%3A%5Chj%5C20170207.docx))

 3/21/2018 House Committee report: Favorable **Judiciary** ([House Journal‑page 59](file:///h%3A%5Chj%5C20180321.docx))

 3/22/2018 House Requests for debate‑Rep(s). Delleney, Sandifer, Hiott, GR Smith, Hixon, Govan, Douglas, King, Bamberg, McEachern, Brawley, Toole, Clemmons, Fry, Jefferson, Henegan, Anderson, Brown, Mack, Blackwell, Long, Forrester, Robinson‑Simpson, Dillard, Kirby, Hosey, West, Yow, Williams, Crawford ([House Journal‑page 31](file:///h%3A%5Chj%5C20180322.docx))

 4/4/2018 House Debate adjourned until Tues., 4‑10‑18 ([House Journal‑page 78](file:///h%3A%5Chj%5C20180404.docx))

 4/11/2018 House Debate adjourned until Thur., 4‑12‑18 ([House Journal‑page 19](file:///h%3A%5Chj%5C20180411.docx))

 4/12/2018 House Debate adjourned until Tues., 4‑17‑18 ([House Journal‑page 8](file:///h%3A%5Chj%5C20180412.docx))

 4/18/2018 House Debate adjourned until Tues., 4‑24‑18 ([House Journal‑page 71](file:///h%3A%5Chj%5C20180418.docx))

 4/24/2018 Scrivener's error corrected

 5/1/2018 House Read second time ([House Journal‑page 85](file:///h%3A%5Chj%5C20180501.docx))

 5/1/2018 House Roll call Yeas‑83 Nays‑26 ([House Journal‑page 85](file:///h%3A%5Chj%5C20180501.docx))

 5/1/2018 House Reconsidered ([House Journal‑page 101](file:///h%3A%5Chj%5C20180501.docx))

 5/3/2018 House Read third time and enrolled ([House Journal‑page 33](file:///h%3A%5Chj%5C20180503.docx))

 5/14/2018 Ratified R 194

 5/15/2018 Signed By Governor

 5/23/2018 Effective date 05/15/18

 5/31/2018 Act No. 178

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**VERSIONS OF THIS BILL**

[12/13/2016](file:///p%3A%5Cpprever%5C2017-18%5C27_20161213.docx)

[1/26/2017](file:///p%3A%5Cpprever%5C2017-18%5C27_20170126.docx)

[1/27/2017](file:///p%3A%5Cpprever%5C2017-18%5C27_20170127.docx)

[2/1/2017](file:///p%3A%5Cpprever%5C2017-18%5C27_20170201.docx)

[2/2/2017](file:///p%3A%5Cpprever%5C2017-18%5C27_20170202.docx)

[2/2/2017-A](file:///p%3A%5Cpprever%5C2017-18%5C27_20170202A.docx)

[2/3/2017](file:///p%3A%5Cpprever%5C2017-18%5C27_20170203.docx)

[3/21/2018](file:///p%3A%5Cpprever%5C2017-18%5C27_20180321.docx)

[4/24/2018](file:///p%3A%5Cpprever%5C2017-18%5C27_20180424.docx)

(A178, R194, S27)

**AN ACT** **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 WITH THE ADVICE AND CONSENT OF THE SENATE TO SERVE AT THE PLEASURE OF THE GOVERNOR, TO PROVIDE FOR THE MANNER OF FILLING VACANCIES, TO PROVIDE FOR THE COMPENSATION OF THE SUPERINTENDENT, AND TO PROVIDE TIME LIMITS WITHIN WHICH JUDICIAL CHALLENGES TO THE QUALIFICATIONS OF SUCH AN APPOINTED SUPERINTENDENT MAY BE BROUGHT, ALL TO TAKE EFFECT UPON THE APPROVAL AND RATIFICATION OF A CERTAIN RELATED AMENDMENT TO THE STATE CONSTITUTION AND TO BECOME APPLICABLE BEGINNING WITH THE 2018 GENERAL ELECTION, AND TO PROVIDE REVISED ACADEMIC AND EXPERIENCE QUALIFICATIONS OF THE SUPERINTENDENT WHICH IMMEDIATELY TAKE EFFECT UPON APPROVAL OF THE GOVERNOR; TO AMEND SECTION 1‑30‑10, RELATING TO THE GOVERNING AUTHORITIES OF THE VARIOUS DEPARTMENTS OF STATE GOVERNMENT, SO AS TO MAKE A CONFORMING CHANGE WITH RESPECT TO THE STATE DEPARTMENT OF EDUCATION, TO TAKE EFFECT UPON THE APPROVAL AND RATIFICATION OF A CERTAIN RELATED AMENDMENT TO THE STATE CONSTITUTION AND TO BECOME APPLICABLE BEGINNING WITH THE 2018 GENERAL ELECTION; TO AMEND SECTION 1‑1‑1210, RELATING TO THE SALARIES OF SPECIFIC STATE OFFICERS, SO AS TO MAKE A CONFORMING CHANGE BY REMOVING THE STATE SUPERINTENDENT OF EDUCATION, TO TAKE EFFECT UPON THE APPROVAL AND RATIFICATION OF A CERTAIN RELATED AMENDMENT TO THE STATE CONSTITUTION AND TO BECOME APPLICABLE BEGINNING WITH THE 2018 GENERAL ELECTION; TO PROVIDE THAT THE PERSON ELECTED STATE SUPERINTENDENT OF EDUCATION IN THE 2018 GENERAL ELECTION SHALL SERVE THE REMAINDER OF HIS TERM, AND TO PROVIDE FOR THE APPOINTMENT OF HIS SUCCESSOR IF HE VACATES THE OFFICE BEFORE THE END OF THIS TERM, BOTH TO TAKE EFFECT UPON THE APPROVAL AND RATIFICATION OF A CERTAIN RELATED AMENDMENT TO THE STATE CONSTITUTION AND TO BECOME APPLICABLE BEGINNING WITH THE 2018 GENERAL ELECTION; 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:

**Appointment, tenure, compensation, qualifications, judicial challenges**

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

 “Section 59‑3‑10. (A) The State Superintendent of Education must be 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.”

**State Department of Education governing authority, conforming change**

SECTION 2. Section 1‑30‑10(B)(1) of the 1976 Code is 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, the State Commissioner of Agriculture 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.”

**State officers**’ **salaries, conforming change**

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

 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.”

**Superintendent elected in 2018, vacancies**

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).

**Repeal**

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

**Time effective**

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.

Ratified the 14th day of May, 2018.

Approved the 15th day of May, 2018.

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