~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

January 26, 2017

**S. 27**

Introduced by Senators Campsen, Young, Hembree and Climer

S. Printed 1/26/17--S.

Read the first time January 10, 2017.

**THE COMMITTEE ON EDUCATION**

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 with amendment:

Amend the bill, as and if amended, Section 59‑3‑10(B)(1), as contained in SECTION 1, page 2, by deleting the item in its entirety and inserting:

/ (1) 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, member of a school board, or other education policy making body at either the state or local level or any combination of them; or /

Renumber sections to conform.

Amend title to conform.

JOHN E. COURSON for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Introduced on January 10, 2017**

**State Expenditure**

This bill would provide for the qualifications and term of the State Superintendent of Education, should the South Carolina Constitution be amended to provide for the appointment of the superintendent by the Governor. In addition, the bill would require the advice and consent of the Senate to the appointment, and the superintendent’s salary be set in the same manner as other state agency heads. The bill would be effective upon approval of a constitutional amendment by the qualified voters at a general election and the subsequent ratification of the amendment by the General Assembly.

The provisions of the bill establishing the qualifications and term for the position may affect who is appointed and the length of their service, but that would not have a direct expenditure impact on the general fund, federal funds, or other funds.

Presently, the superintendent’s annual salary, $92,007, is prescribed by Section 1-1-1210. If the constitutional amendment is adopted and the superintendent’s salary set pursuant to the provisions of the bill, the salary may change subject to consideration by the Agency Head Salary Commission.

**Department of Education.**

The State Department of Education estimates the superintendent’s salary and benefits could increase by $52,253 annually based on required differences between agency head salaries and the salaries of other agency employees, to $103,689, based on the January 2013 Hay Group Compensation Review of Constitutional Officers of the State of South Carolina. The position would not become appointed at the earliest until after the general election in 2018, and ratification of a constitutional amendment during the 2019 legislative session. As a result, any increase in the superintendent’s salary would be effective for not more than one-half of FY 2018-19. Therefore, this bill would increase general fund expenditures from $26,127 to $51,845 in FY 2018-19, and an additional $26,127 to $51,845 in FY 2018-19, for a total increase of $52,253 to $103,684 in FY 2018-19 and each year after.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**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 in the same manner as the original appointment.

(B) The Superintendent of Education must possess:

(1) extensive experience in the field of education including, but not limited to, service as a classroom teacher, principal, other school or school district administrator, school district superintendent, member of a school board, or other education policy making body at either the state or local level or any combination of them; or

(2) extensive experience in operational and financial management in any field of expertise including, but not limited to, finance, economics, accounting, law, or business.”

SECTION 2. Section 59‑3‑20 of the 1976 Code is repealed.

SECTION 3. This act takes 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.

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