Regular Session, 2014

HOUSE BILL NO. 125

BY REPRESENTATIVE HARRISON AND SENATOR KOSTELKA

SCHOOLS/ST SUPERINTDT: (Constitutional Amendment) Provides for the statewide election of the state superintendent of education

1	A JOINT RESOLUTION
2	Proposing to amend Article IV, Section 20 and Article VIII, Section 2 of the Constitution
3	of Louisiana, relative to the state superintendent of education; to require that the state
4	superintendent of education be elected by the electors of the state; to remove
5	provisions authorizing the legislature to provide by law for appointment of the state
6	superintendent of education; to provide a limitation on the terms of service of the
7	state superintendent of education; to provide for the 2015 election of the state
8	superintendent of education; to provide for submission of the proposed amendment
9	to the electors; and to provide for related matters.
10	Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
11	elected to each house concurring, that there shall be submitted to the electors of the state of
12	Louisiana, for their approval or rejection in the manner provided by law, a proposal to
13	amend Article IV, Section 20 of the Constitution of Louisiana, to read as follows:
14	§20. Appointment of Officials; Merger, Consolidation of Offices and Departments
15	Section 20. After the first election of state officials following the effective
16	date of this constitution, the legislature may provide, by law enacted by two-thirds
17	of the elected members of each house, for appointment, in lieu of election, of the
18	commissioner of agriculture, the commissioner of insurance, the superintendent of
19	education, the commissioner of elections, or any of them. In that event, the
20	legislature shall prescribe qualifications and method of appointment and by similar

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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1	vote, may provide by law for the merger or consolidation of any such office, its
2	department, and functions with any other office or department in the executive
3	branch. No action of the legislature pursuant hereto shall reduce the term or
4	compensation of any incumbent elected official. By law enacted by two-thirds of the
5	elected members of each house, the legislature may reestablish any such office as
6	elective and, in that event, shall prescribe qualifications.
7	Section 2. Be it resolved by the Legislature of Louisiana, two-thirds of the members
8	elected to each house concurring, that there shall be submitted to the electors of the state of
9	Louisiana, for their approval or rejection in the manner provided by law, a proposal to
10	amend Article VIII, Section 2 of the Constitution of Louisiana, to read as follows:
11	§2. State Superintendent of Education
12	Section 2.(A) There shall be a state superintendent of education for public
13	elementary and secondary education who, subject to provisions for appointment in
14	lieu of election set forth in Article IV, Section 20, of this constitution, shall be
15	elected for a term of four years. If the office is made appointive, the State Board of
16	Elementary and Secondary Education shall make the appointment. He shall be the
17	administrative head of the Department of Education and shall implement the policies
18	of the State Board of Elementary and Secondary Education and the laws affecting
19	schools under its jurisdiction. The qualifications and other powers, functions, duties,
20	and responsibilities of the superintendent shall be provided by law. No person who
21	has served as state superintendent of education for more than two and one-half terms
22	in three consecutive terms shall be elected to the office for the succeeding term.
23	(B) Notwithstanding the provisions of Paragraph (A) of this Section, there
24	shall be an appointed state superintendent of education until noon on January 11,
25	2016, at which time an elected superintendent shall assume the office. The state
26	superintendent of education who will take office on January 11, 2016, shall be
27	elected at the time for election of members of the legislature in 2015.

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1	Section 3. Be it further resolved that this proposed amendment shall be submitted
2	to the electors of the state of Louisiana at the statewide election to be held on November 4,
3	2014.
4	Section 4. Be it further resolved that on the official ballot to be used at the election,
5	there shall be printed a proposition, upon which the electors of the state shall be permitted
6	to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
7	follows:
8	Do you support an amendment to provide that the state superintendent of
9	education shall be elected by the voters of the state and to provide that no
10	person who has served as state superintendent of education for more than two
11	and one-half terms in three consecutive terms shall be elected to the office
12	for the succeeding term? (Amends Article IV, Section 20 and Article VIII,
13	Section 2)

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Harrison

HB No. 125

Abstract: Provides that the state superintendent of education shall be elected rather than appointed; removes provisions authorizing the legislature, by 2/3 vote, to provide by law for appointment of the superintendent; and provides term limits for the state superintendent of education.

<u>Present constitution</u> provides that the state superintendent of education shall be elected by the state's electors for a term of four years but authorizes the legislature to provide for the appointment, in lieu of election, of specified elected officials, including the state superintendent of education, by a law enacted by a 2/3 vote of the legislature. Provides that the legislature shall prescribe qualifications and method of appointment, should the office become appointive. Further provides that the legislature, by a 2/3 vote, may reestablish the office as elective. (Note: Acts 1985, No. 444, which became effective March 14, 1988, made the office of state superintendent of education appointive and provided for appointment of the superintendent by the State Board of Elementary and Secondary Education.)

<u>Proposed constitutional amendment</u> removes the office of state superintendent of education from the list of elected offices which may be made appointive by legislative enactment. Provides, however, that the office remains an appointive office until Jan. 11, 2016, when an elected superintendent will take office.

<u>Proposed constitutional amendment</u> further provides that no person who has served as state superintendent of education for more than two and one-half terms in three consecutive terms shall be elected to this office for the succeeding term.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 4, 2014.

(Amends Const. Art. IV, §20 and Art. VIII, §2)

Summary of Amendments Adopted by House

- Committee Amendments Proposed by <u>House Committee on Education</u> to the <u>original</u> bill.
- 1. Adds term limits provision.