

Regular Session, 2014

HOUSE BILL NO. 125

BY REPRESENTATIVE HARRISON

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 for the 2015 election of the state  
7 superintendent of education; to provide for submission of the proposed amendment  
8 to the electors; and to provide for related matters.

9 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members  
10 elected to each house concurring, that there shall be submitted to the electors of the state of  
11 Louisiana, for their approval or rejection in the manner provided by law, a proposal to  
12 amend Article IV, Section 20 of the Constitution of Louisiana, to read as follows:

13 §20. Appointment of Officials; Merger, Consolidation of Offices and Departments  
14 Section 20. After the first election of state officials following the effective  
15 date of this constitution, the legislature may provide, by law enacted by two-thirds  
16 of the elected members of each house, for appointment, in lieu of election, of the  
17 commissioner of agriculture, the commissioner of insurance, ~~the superintendent of~~  
18 ~~education~~, the commissioner of elections, or any of them. In that event, the  
19 legislature shall prescribe qualifications and method of appointment and by similar  
20 vote, may provide by law for the merger or consolidation of any such office, its

1 department, and functions with any other office or department in the executive  
2 branch. No action of the legislature pursuant hereto shall reduce the term or  
3 compensation of any incumbent elected official. By law enacted by two-thirds of the  
4 elected members of each house, the legislature may reestablish any such office as  
5 elective and, in that event, shall prescribe qualifications.

6 Section 2. Be it resolved by the Legislature of Louisiana, two-thirds of the members  
7 elected to each house concurring, that there shall be submitted to the electors of the state of  
8 Louisiana, for their approval or rejection in the manner provided by law, a proposal to  
9 amend Article VIII, Section 2 of the Constitution of Louisiana, to read as follows:

10 §2. State Superintendent of Education

11 Section 2.(A) There shall be a state superintendent of education for public  
12 elementary and secondary education who, ~~subject to provisions for appointment in~~  
13 ~~lieu of election set forth in Article IV, Section 20, of this constitution,~~ shall be  
14 elected for a term of four years. ~~If the office is made appointive, the State Board of~~  
15 ~~Elementary and Secondary Education shall make the appointment.~~ He shall be the  
16 administrative head of the Department of Education and shall implement the policies  
17 of the State Board of Elementary and Secondary Education and the laws affecting  
18 schools under its jurisdiction. The qualifications and other powers, functions, duties,  
19 and responsibilities of the superintendent shall be provided by law.

20 (B) Notwithstanding the provisions of Paragraph (A) of this Section, there  
21 shall be an appointed state superintendent of education until noon on January 11,  
22 2016, at which time an elected superintendent shall assume the office. The state  
23 superintendent of education who will take office on January 11, 2016, shall be  
24 elected at the time for election of members of the legislature in 2015.

25 Section 3. Be it further resolved that this proposed amendment shall be submitted  
26 to the electors of the state of Louisiana at the statewide election to be held on November 4,  
27 2014.

28 Section 4. Be it further resolved that on the official ballot to be used at the election,  
29 there shall be printed a proposition, upon which the electors of the state shall be permitted

1 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as  
2 follows:

3 Do you support an amendment to provide that the state superintendent of  
4 education shall be elected by the voters of the state? (Amends Article IV,  
5 Section 20 and Article VIII, 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 and removes provisions authorizing the legislature, by 2/3 vote, to provide by law for appointment of the superintendent.

Present constitution provides that the state superintendent of education shall be elected by the state's electors, 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.)

Proposed constitutional amendment 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.

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)