

Regular Session, 2014

HOUSE BILL NO. 374

BY REPRESENTATIVE GEYMANN

BESE: (Constitutional Amendment) Provides for the election of all members of the State Board of Elementary and Secondary Education

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A JOINT RESOLUTION

Proposing to amend Article VIII, Section 3(B) and (C) of the Constitution of Louisiana, to provide relative to membership on the State Board of Elementary and Secondary Education; to provide for election of all board members; to provide relative to the authority of the governor with respect to membership on such board; to provide relative to vacancies on the board; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state of Louisiana, for their approval or rejection in the manner provided by law, a proposal to amend Article VIII, Section 3(B) and (C) of the Constitution of Louisiana, to read as follows:

§3. State Board of Elementary and Secondary Education

Section 3.

* * *

(B)(1) Membership; Terms. The board shall consist of eleven members, eight of whom shall be elected from single-member districts, which shall be determined as provided by law, and three of whom shall be ~~appointed by the governor~~ elected from the state at large, ~~with consent of the Senate~~. Members shall serve terms of four years, which shall be concurrent with the term of the governor.

1 (2) No person who has served as a member of the board for more than two
2 and one-half terms in three consecutive terms shall be elected or appointed to the
3 board for the succeeding term. This Subparagraph shall not apply to any person
4 elected or appointed to the board prior to ~~the effective date of this Subparagraph~~
5 December 8, 2008, except that it shall apply to any term of service of any such
6 person that begins after such date.

7 (C) Vacancy. A vacancy in the office of ~~an elected~~ a member, if the
8 remaining portion of the term is more than one year, shall be filled for the remainder
9 of the term by election, as provided by law. Other vacancies shall be filled for the
10 remainder of the term by appointment by the governor.

11 Section 2. Be it further resolved that this proposed amendment shall be submitted
12 to the electors of the state of Louisiana at the statewide election to be held on November 4,
13 2014.

14 Section 3. Be it further resolved that if the proposed amendment contained in this
15 Joint Resolution is ratified by the electors of the state, the provisions of the amendment shall
16 become effective solely for the purposes of qualifying and election of members to the State
17 Board of Elementary and Secondary Education at the regularly scheduled elections in 2015,
18 upon such ratification and for all other purposes on January 12, 2016.

19 Section 4. Be it further resolved that on the official ballot to be used at the election,
20 there shall be printed a proposition, upon which the electors of the state shall be permitted
21 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
22 follows:

23 Do you support an amendment to require the statewide election of the three
24 at-large members of the State Board of Elementary and Secondary Education
25 rather than appointed by the governor? (Effective in part upon ratification
26 and in part on January 12, 2016.) (Amends Article VIII, Section 3(B) and
27 (C))

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)]

Geymann

HB No. 374

Abstract: Changes from appointment by the governor to statewide election how the three at large members of the State Board of Elementary and Secondary Education (BESE) are selected.

Present constitution creates BESE as an eleven-member body. Eight members are elected from single-member districts and three are appointed by the governor from the state at large.

Proposed constitutional amendment removes the authority of the governor to appoint three members to BESE and provides instead for the statewide election of such members.

Present constitution provides for the filling of vacancies of elected members of BESE. If a member has more than one year left in his term at the time the position becomes vacant, a special election is required to fill the position. If an elected member has less than one year left in his term at the time the position becomes vacant, the governor is required to appoint a replacement for the remainder of the term. Proposed constitutional amendment makes such provisions applicable to all members of BESE. Otherwise retains present constitution.

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

Provides that proposed constitutional amendment shall become effective for the limited purposes of qualifying and electing new members to BESE at the time of ratification of the amendment. Further provides that proposed constitutional amendment shall become effective for all other purposes on January 12, 2016.

(Amends Const. Art. VIII, Sec. 3(B) and (C))