Regular Session, 2011

HOUSE BILL NO. 84

BY REPRESENTATIVE PATRICIA SMITH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

BESE: (Constitutional Amendment) Provides for the appointing authority and qualifications of appointed board members of the Board of Elementary and Secondary Education

| 1 | A JOINT RESOLUTION |
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| 2 | Proposing to amend Article VIII, Section 3(B) of the Constitution of Louisiana, to provide |
| 3 | relative to the membership of the State Board of Elementary and Secondary |
| 4 | Education; to provide for the appointment of certain board members and for diversity |
| 5 | in appointments; to provide for submission of the proposed amendment to the |
| 6 | electors; and to provide for related matters. |
| 7 | Section 1. 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 3(B) of the Constitution of Louisiana, to read as follows: |
| 11 | §3. State Board of Elementary and Secondary Education |
| 12 | Section 3. |
| 13 | * * * |
| 14 | (B)(1) Membership; Terms. The board shall consist of eleven members, |
| 15 | eight of whom shall be elected from single-member districts, which shall be |
| 16 | determined as provided by law, and three of whom shall be appointed by the |
| 17 | governor from the state at large. One of the three appointed members shall be |
| 18 | appointed by the governor, with consent of the Senate; one shall be appointed by the |
| 19 | House of Representatives, and one shall be appointed by the Senate. The three |
| | |

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

| 1 | race, and gender. Members shall serve terms of four years, which shall be |
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| 2 | concurrent with the term of the governor. |
| 3 | (2) No person who has served as a member of the board for more than two |
| 4 | and one-half terms in three consecutive terms shall be elected or appointed to the |
| 5 | board for the succeeding term. This Subparagraph shall not apply to any person |
| 6 | elected or appointed to the board prior to the effective date of this Subparagraph |
| 7 | December 8, 2008, except that it shall apply to any term of service of any such |
| 8 | person that begins after such date. |
| 9 | * * * |
| 10 | Section 2. Be it further resolved that this proposed amendment shall be submitted |
| 11 | to the electors of the state of Louisiana at the statewide election to be held on October 22, |
| 12 | 2011. |
| 13 | Section 3. Be it further resolved that the provisions of this amendment shall become |
| 14 | effective at noon on January 9, 2012. |
| 15 | Section 4. Be it further resolved that on the official ballot to be used at said election |
| 16 | there shall be printed a proposition, upon which the electors of the state shall be permitted |
| 17 | to vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall |
| 18 | read as follows: |
| 19 | To provide that the three appointed members of the State Board of |
| 20 | Elementary and Secondary Education shall be appointed one by the governor |
| 21 | with Senate Consent, one by the House of Representatives, and one by the |
| 22 | Senate rather than all by the governor with Senate consent and to require that |
| 23 | the appointments assure diversity, including geographic, racial, and gender |
| 24 | diversity. (Effective at noon on January 9, 2012) (Amends Article VIII, |
| 25 | Section 3(B)) |

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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)]

Patricia Smith

HB No. 84

Abstract: Provides that the three appointed members of the State Board of Elementary and Secondary Education (BESE) shall be appointed one by the governor with Senate consent, one by the House of Representatives, and one by the Senate and requires diversity in the appointments.

<u>Present constitution</u> (Const. Art. VIII, §3(A)) creates the State Board of Elementary and Secondary Education and provides that it shall supervise and control the public elementary and secondary schools and special schools under its jurisdiction and shall have budgetary responsibility for all funds appropriated or allocated by the state for those schools, all as provided by law. Authorizes the legislature to provide other powers, duties, and responsibilities.

<u>Present constitution</u> (Const. Art. VIII, §3(B)) provides for board membership of 11 members, eight elected from single-member districts and three appointed by the governor from the state at large, with consent of the Senate. Provides for four-year terms, concurrent with the governor's term and provides term limits by providing that a member who serves two and one-half terms in three consecutive terms shall not be elected or appointed for the succeeding term. Provides that term limits are not applicable to members elected or appointed prior to the date the term limits amendment became effective.

<u>Present constitution</u> (Const. Art. VIII, §3(B)) retains <u>present constitution</u>, except:

- (1) Provides that the three members appointed from the state at large shall be appointed one by the governor, one by the House of Representatives, and one by the Senate.
- (2) Requires that the three members shall be appointed to assure diversity, including diversity of geography, race, and gender.
- (3) Substitutes the date the term limit amendment became effective (Dec. 8, 2008) for language referring to such date.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Oct. 22, 2011.

Effective at noon on Jan. 9, 2012.

(Amends Const. Art. VIII, §3(B))