

2018 Regular Session

HOUSE BILL NO. 203

BY REPRESENTATIVES JACKSON AND MARCELLE

JUDGES: (Constitutional Amendment) Provides relative to the holding of public office and public employment

1 A JOINT RESOLUTION

2 Proposing to amend Article V, Section 23(B) of the Constitution of Louisiana and to add
3 Article X, Section 31 of the Constitution of Louisiana, relative to public office and
4 public employment; to provide relative to the holding of public office or public
5 employment; to provide relative to age; to provide for the elimination of the
6 mandatory retirement age for judges; to provide for submission of the proposed
7 amendments to the electors; and to provide for related matters.

8 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
9 elected to each house concurring, that there shall be submitted to the electors of the state of
10 Louisiana, for their approval or rejection in the manner provided by law, a proposal to
11 amend Article V, Section 23(B) of the Constitution of Louisiana, to read as follows:

12 §23. Judges; Retirement

13 Section 23.

14 * * *

15 (B) ~~Mandatory Retirement. Except as otherwise provided in this Section, a~~
16 ~~judge shall not remain in office beyond his seventieth birthday. A judge who attains~~

1 ~~seventy years of age while serving a term of office shall be allowed to complete that~~
2 ~~term of office.~~

3 Section 2. Be it resolved by the Legislature of Louisiana, two-thirds of the members
4 elected to each house concurring, that there shall be submitted to the electors of the state of
5 Louisiana, for their approval or rejection in the manner provided by law, a proposal to add
6 Article X, Section 31 of the Constitution of Louisiana, to read as follows:

7 §31. Public office or employment; age

8 Section 31. No person shall be denied the right to hold public office or public
9 employment based solely on age.

10 Section 3. 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 November 6,
12 2018.

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

17 Do you support an amendment to prohibit the denial of the right to hold
18 public office or public employment based solely on age, including judges?
19 (Effective January 1, 2019) (Amends Article V, Section 23(B); Adds Article
20 X, Section 31)

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)]

HB 203 Engrossed

2018 Regular Session

Jackson

Abstract: Prohibits the denial of the right to hold public office or public employment based on age and provides for the removal of the mandatory retirement age for all judges.

Present constitution requires that no judge may remain in office beyond his 70th birthday. This provision allows a judge to complete the current term if he attains 70 years of age while in office.

Proposed constitutional amendment repeals the mandatory retirement age of judges.

Proposed constitutional amendment provides that no person shall be denied the right to hold public office or public employment solely on account of age.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 6, 2018.

(Amends Article V, §23(B); Adds Article X, §31)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Remove the requirement that judges over the age of 70 submit to a review conducted by the Judiciary Commission.