

2022 Regular Session

HOUSE BILL NO. 84

BY REPRESENTATIVE TARVER

BESE: Eliminates, subject to adoption of a constitutional amendment, the gubernatorial appointment of three members of the State Board of Elementary and Secondary Education, providing for an all-elected membership and reducing the membership to eight

1 AN ACT

2 To amend and reenact R.S. 17:1 and 3(C), relative to the membership of the State Board of
3 Elementary and Secondary Education; to eliminate the gubernatorial appointment of
4 three members; to reduce the membership from eleven members to eight members;
5 to reduce the number of members constituting a quorum; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:1 and 3(C) are hereby amended and reenacted to read as follows:

9 §1. State Board of Elementary and Secondary Education; creation; membership;
10 terms of office; vacancies

11 A. The ~~Louisiana~~ State Board of Elementary and Secondary Education,
12 sometimes referred to hereinafter in this Part as the board, is created as a body
13 corporate.

14 B. The board shall be composed of ~~eleven~~ eight members. One member
15 shall be a resident of and shall be elected by the electors of each of the districts
16 established by law for the election of members of the board. ~~Three members shall~~
17 ~~be appointed by the governor from the state at large, with consent of the Senate.~~

18 C. The terms of the members shall be four years, concurrent with the term
19 of the governor. The members ~~to be elected from the districts provided by law for~~

1 ~~election of the members of the board~~ shall be elected at the time fixed by law for the
2 gubernatorial elections. Members shall serve until their successors are selected and
3 take office.

4 D.(1) ~~Within twenty-four hours after being informed of a vacancy in an~~
5 ~~appointed position on the board, the president of the board or the officer exercising~~
6 ~~his duties shall notify the governor by certified mail of the vacancy and the effective~~
7 ~~date thereof. Any vacancy in an appointed position on the board shall be filled for~~
8 ~~the unexpired portion of the term by appointment by the governor within thirty days~~
9 ~~after the effective date of the vacancy.~~

10 (2)(a) If a vacancy occurs in the office of ~~an elected~~ a member of the board,
11 the governor shall be notified of the vacancy in accordance with the applicable
12 provisions of the Louisiana Election Code.

13 (b)(2) If a vacancy occurs in the office of ~~an elected~~ a member of the board
14 and the remaining portion of the term is more than one year, the special election to
15 fill the vacancy shall be ordered and held in accordance with the applicable
16 provisions of the Louisiana Election Code.

17 * * *

18 §3. Domicile; organization and meetings of board

19 * * *

20 C. ~~Six~~ Five members of the board shall constitute a quorum for the
21 transaction of business, and all official actions of the board shall require the
22 favorable vote of a majority of the total membership.

23 * * *

24 Section 2. This Act shall take effect and become operative if and when the proposed
25 amendment of Article VIII of the Constitution of Louisiana contained in the Act which
26 originated as House Bill No. 4 of this 2022 Regular Session of the Legislature is adopted at
27 the statewide election and becomes effective.

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 84 Original

2022 Regular Session

Tarver

Abstract: Provides for an all-elected membership of the State Bd. of Elementary and Secondary Education (BESE) by removing the governor's appointment of three members (reducing the membership from 11 to eight).

Present law creates BESE. Proposed law retains present law.

Present law provides that eight members are elected to BESE from single-member districts and three are appointed by the governor from the state at large. Proposed law reduces the BESE membership from 11 to eight by removing the gubernatorial appointment of three at-large members.

Present law provides that six board members constitute a quorum for the transaction of business. Proposed law lowers the quorum from six members to five members.

Present law provides that members serve four-year terms, concurrent with the term of the governor, and provides for filling the vacancies of elected members. Proposed law retains present law.

Present law provides for filling vacancies of appointed members. Proposed law repeals present law.

Effective if and when the proposed amendment of Article VIII of the Constitution of La. contained in the Act which originated as House Bill No. 4 of this 2022 R.S. of the Legislature is adopted at a statewide election and becomes effective. (If it is adopted and becomes effective, the effective date is noon on Jan. 4, 2024.)

(Amends R.S. 17:1 and 3(C))