

2016 Regular Session

HOUSE BILL NO. 270

BY REPRESENTATIVE POPE

BESE: Provides relative to the filling of vacancies in elective positions on the State Board of Elementary and Secondary Education

1 AN ACT

2 To amend and reenact R.S. 17:1(D) and to repeal R.S. 17:2, relative to the Board of
3 Elementary and Secondary Education; to provide for the filling of vacancies in
4 elective positions on the board; to remove certain redundant provisions of law
5 relative to the board; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 17:1(D) is hereby amended and reenacted to read as follows:

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

10 * * *

11 D.(1) Within twenty-four hours after being informed of a vacancy in an
12 appointed position on the board, the president of the board or the officer exercising
13 his duties shall notify the governor by certified mail of the vacancy and the effective
14 date thereof. ~~A vacancy in the office of an elected member, if the unexpired portion~~
15 ~~of the term is more than one year, shall be filled for the remainder of the term by~~
16 ~~special election to be called by the governor and to be held to coincide with the next~~
17 ~~scheduled districtwide election to be held more than ninety days and less than one~~
18 ~~year after the effective date of the vacancy. If no such election is scheduled to be~~
19 ~~held, the special election shall be held more than ninety days and less than one~~
20 ~~hundred twenty days after the effective date of the vacancy on call of the governor.~~

1 Any ~~other~~ vacancy in an appointed position on the board shall be filled for the
 2 unexpired portion of the term by appointment by the governor within thirty days
 3 after the effective date of the vacancy.

4 (2) The notification of and filling of a vacancy in an elective position on the
 5 board shall be as provided by R.S. 18:591.

6 Section 2. R.S. 17:2 is hereby repealed in its entirety.

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 270 Original

2016 Regular Session

Pope

Abstract: Provides that the notification of and filling of a vacancy in an elective position on BESE shall be as provided in the La. Election Code.

Present law (R.S. 17:1) provides for the State Board of Elementary and Secondary Education (BESE), including provisions relative to the membership, terms, and vacancies. Provides that within 24 hours after being informed of a vacancy on BESE, the president of the board or the officer exercising his duties shall notify the governor by certified mail of the vacancy and the effective date thereof. Provides that if the remainder of the unexpired term of an elected member is more than one year, the vacancy shall be filled for the remainder of the term by special election to be called by the governor and be held to coincide with the next scheduled districtwide election to be held more than 90 days and less than one year after the effective date of the vacancy. If no such election is scheduled to be held, the special election shall be held more than 90 days and less than 120 days after the effective date of the vacancy on call of the governor. Any other vacancy in an appointed position on the board shall be filled for the unexpired portion of the term by appointment by the governor within 30 days after the effective date of the vacancy. Present law (R.S. 17:2) provides substantially similar provisions. Proposed law removes these substantially similar provisions.

Present law (R.S. 18:591–Election Code) provides that within 24 hours after any member of a state board or commission has knowledge of a vacancy in an elective office on that state board or commission, he shall notify the governor by certified mail of the vacancy, the date on which it occurred, and the cause thereof. Provides that within 20 days after he is notified of the vacancy, the governor shall appoint a person to fill the vacancy who has the qualifications for the office. Provides that if the unexpired term is one year or less, the member so appointed shall serve for the remainder thereof. If the unexpired term exceeds one year, the governor, within 20 days after he is notified of the vacancy, shall order a special election to fill the vacancy, which shall specify the dates for the primary and general elections and the qualifying period all in accordance with the Election Code (R.S. 18:402, 18:467, 467.1, and 468). Provides that when a special election is required, the governor's appointee shall serve only until the successor is elected and takes office.

Proposed law removes the specific provisions in present law (R.S. 17:1) providing relative to vacancies in an elective position on BESE and provides instead that the notification of and filling of a vacancy in an elective position on BESE shall be as provided by present law (R.S. 18:591–Election Code).

(Amends R.S. 17:1(D); Repeals R.S. 17:2)