

Regular Session, 2010

HOUSE BILL NO. 410

BY REPRESENTATIVE CARTER

SCHOOLS/BOARDS: Requires local option elections in every school district on term limits for school board members

1 AN ACT

2 To enact R.S. 17:60.4, relative to term limits for school board members; to require local
3 option elections in every school district to determine if the district's school board
4 members shall have term limits; to specify the term limitations for school board
5 members if approved by the electors voting in a school district; to provide for
6 applicability; to provide relative to the conduct of such elections and the costs
7 thereof; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:60.4 is hereby enacted to read as follows:

10 §60.4. School board members; term limits; local election

11 A.(1) At the statewide election to be held on November 2, 2010, a
12 proposition shall appear on the ballot in each school district except as provided in
13 Subsection D of this Section to determine whether the members of the school board
14 in that district shall have term limits.

15 (2) As used in this Section, "school board" shall mean the governing
16 authority of a public school district.

17 B. The ballot for the election shall state as follows:

18 "LOCAL OPTION ELECTION

19 Within _____ (name of school district):

1 Shall the number of terms of office which any member of the school board
2 may serve be limited to three consecutive four-year terms?"

3 C. If the question of such term limitation is approved by a majority of the
4 qualified electors voting on the proposition in the district, then each member of the
5 school board of that district who at the end of a term of office on the board will have
6 served as a member of the board for more than two and one-half terms in three
7 consecutive terms, such service being during terms that began on or after January 1,
8 2010, shall not be elected to the board for the succeeding term. If a majority of the
9 qualified electors voting on the proposition in the district vote against such
10 proposition, then no such term limitation shall apply in that district.

11 D. The provisions of this Section shall not be applicable to the Recovery
12 School District, the governing authority of any charter school, or in any school
13 district in which school board members are limited to three consecutive terms or less
14 by law enacted or pursuant to a proposition approved by the voters prior to January
15 1, 2010.

16 E. The secretary of state shall prepare the ballot for the election.

17 F. Except as otherwise provided, the election required shall be conducted in
18 accordance with the Louisiana Election Code.

19 G. Notwithstanding Chapter 8-A of the Louisiana Election Code, the costs
20 of the election required in this Section shall be borne by the state.

21 Section 2. This Act shall become effective upon signature by the governor or, if not
22 signed by the governor, upon expiration of the time for bills to become law without signature
23 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
24 vetoed by the governor and subsequently approved by the legislature, this Act shall become
25 effective on the day following such approval.

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)]

Carter

HB No. 410

Abstract: Provides for an election in most local school districts to determine whether the members of the school board in each respective district shall have term limits of three consecutive four-year terms.

Proposed law provides for an election in every school district, with limited exceptions, on Nov. 2, 2010, to determine whether the members of the school board in each district shall have term limits. Specifies that if such term limitation is approved by a majority of the qualified electors, then each member of the school board of that district who at the end of his term of office will have served as a member for more than 2-½ terms in three consecutive terms, such service being during terms that began on or after Jan. 1, 2010, shall not be elected to the board for the succeeding term. Provides that if a majority of the qualified electors vote against such proposition, then the term limitation shall not apply in that district.

Specifies the ballot language to be used in the election and requires the secretary of state to prepare the ballot. Requires that the election be conducted in accordance with the La. Election Code and provides that the costs of the election shall be borne by the state.

Provides that proposed law shall not be applicable to the Recovery School District, the governing authority of any charter school, school districts where voters have already approved term limits for school board members (Lafayette Parish), or school districts in which school board members are subject to term limits by law (Jefferson Parish).

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 17:60.4)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill.

1. Rather than providing that proposed law is not applicable in school districts where voters have already approved term limits for school boards prior to July 1, 2010, provided instead that proposed law is not applicable in school districts in which the school board members are subject to a three-consecutive-term limit by law enacted or pursuant to a proposition approved by the voters prior to Jan. 1, 2010.