

Bill No. SJR 388

Barcode 463546

CHAMBER ACTION

Senate

House

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The Committee on Education Pre-K - 12 (Wilson) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

That the following amendments to Section 4 of Article IV and Section 2 of Article IX of the State Constitution are agreed to, shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose, and, if approved, shall take effect January 4, 2011, with the office of Commissioner of Education filled initially at the 2010 general election:

ARTICLE IV

EXECUTIVE

SECTION 4. Cabinet.--

(a) There shall be a cabinet composed of an attorney general, a chief financial officer, ~~and~~ a commissioner of agriculture, and a commissioner of education. In addition to

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1 the powers and duties specified herein, they shall exercise
2 such powers and perform such duties as may be prescribed by
3 law. In the event of a tie vote of the governor and cabinet,
4 the side on which the governor voted shall be deemed to
5 prevail.

6 (b) The attorney general shall be the chief state
7 legal officer. There is created in the office of the attorney
8 general the position of statewide prosecutor. The statewide
9 prosecutor shall have concurrent jurisdiction with the state
10 attorneys to prosecute violations of criminal laws occurring
11 or having occurred, in two or more judicial circuits as part
12 of a related transaction, or when any such offense is
13 affecting or has affected two or more judicial circuits as
14 provided by general law. The statewide prosecutor shall be
15 appointed by the attorney general from not fewer ~~less~~ than
16 three persons nominated by the judicial nominating commission
17 for the supreme court, or as otherwise provided by general
18 law.

19 (c) The chief financial officer shall serve as the
20 chief fiscal officer of the state, and shall settle and
21 approve accounts against the state, and shall keep all state
22 funds and securities.

23 (d) The commissioner of agriculture shall have
24 supervision of matters pertaining to agriculture except as
25 otherwise provided by law.

26 (e) The commissioner of education shall supervise the
27 public education system in the manner prescribed by law.

28 (f)~~(e)~~ The governor as chair, the chief financial
29 officer, and the attorney general shall constitute the state
30 board of administration, which shall succeed to all the power,
31 control, and authority of the state board of administration

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1 established pursuant to Article IX, Section 16 of the
2 Constitution of 1885, and which shall continue as a body at
3 least for the life of Article XII, Section 9(c).

4 ~~(g)(f)~~ The governor as chair, the chief financial
5 officer, the attorney general, and the commissioner of
6 agriculture shall constitute the trustees of the internal
7 improvement trust fund and the land acquisition trust fund as
8 provided by law.

9 ~~(h)(g)~~ The governor as chair, the chief financial
10 officer, the attorney general, and the commissioner of
11 agriculture shall constitute the agency head of the Department
12 of Law Enforcement.

13 ARTICLE IX

14 EDUCATION

15 SECTION 2. State board of education.--The state board
16 of education shall be a body corporate and have such
17 supervision of the system of free public education as is
18 provided by law. The state board of education shall consist of
19 seven members appointed by the governor to staggered 4-year
20 terms, subject to confirmation by the senate. ~~The state board
21 of education shall appoint the commissioner of education.~~

22 BE IT FURTHER RESOLVED that the following statement be
23 placed on the ballot:

24 CONSTITUTIONAL AMENDMENT

25 ARTICLE IV, SECTION 4

26 ARTICLE IX, SECTION 2

27 COMPOSITION OF CABINET; OFFICE OF COMMISSIONER OF
28 EDUCATION.--Proposing an amendment to the State Constitution
29 to create the office of Commissioner of Education, who will be
30 an elected member of the Cabinet and responsible for the
31 supervision of the public education system in the manner

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1 prescribed by law, and to delete the power of the state board
2 of education to appoint the Commissioner of Education.

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5 ===== T I T L E A M E N D M E N T =====

6 And the title is amended as follows:

7 Delete everything before the enacting clause

8

9 and insert:

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Senate Joint Resolution

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A joint resolution proposing amendments to

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Section 4 of Article IV and Section 2 of

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Article IX of the State Constitution to create

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the position of Commissioner of Education, who

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will be an elected member of the Cabinet.

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