

HOUSE BILL NO. 407

INTRODUCED BY BRADLEY, GAGE, GERVAIS, SVRCEK,
RUSSELL, CODY, SCHYE, M. HANSON, HAYNE,
YELLOWTAIL, MERCER, DAVIS, MCCARTHY,
BARDANOUE

IN THE HOUSE

JANUARY 26, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON EDUCATION & CULTURAL RESOURCES.

JANUARY 28, 1991 FIRST READING.

FEBRUARY 19, 1991 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

FEBRUARY 20, 1991 PRINTING REPORT.

FEBRUARY 26, 1991 SECOND READING, DO PASS.

FEBRUARY 27, 1991 ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 68; NOES, 32.

TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 4, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON EDUCATION & CULTURAL RESOURCES.

FIRST READING.

MARCH 19, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 20, 1991 SECOND READING, CONCURRED IN.

MARCH 21, 1991 THIRD READING, CONCURRED IN.
AYES, 42; NOES, 7.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 22, 1991 RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

CONSTITUTIONAL AMENDMENT

1 House BILL NO. 407
 2 INTRODUCED BY Bradley Rife Benjamin Smith Russell
 3 Cody Seby M. Hanson Wayne Yellowtail
 4 MERCE Davis McClure Baudin
 A BILL FOR AN ACT ENTITLED: AN ACT TO SUBMIT TO THE

5 QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE X,
 6 SECTION 9, OF THE MONTANA CONSTITUTION TO INCREASE THE
 7 MEMBERSHIP ON THE BOARD OF REGENTS TO EIGHT MEMBERS AND TO
 8 REQUIRE THE APPOINTMENT OF ONE NATIVE AMERICAN MEMBER."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 **Section 1.** Article X, section 9, of The Constitution of
 12 the State of Montana is amended to read:

13 "Section 9. Boards of education. (1) There is a state
 14 board of education composed of the board of regents of
 15 higher education and the board of public education. It is
 16 responsible for long-range planning, and for coordinating
 17 and evaluating policies and programs for the state's
 18 educational systems. It shall submit unified budget
 19 requests. A tie vote at any meeting may be broken by the
 20 governor, who is an ex officio member of each component
 21 board.

22 (2) (a) The government and control of the Montana
 23 university system is vested in a board of regents of higher
 24 education which shall have full power, responsibility, and
 25 authority to supervise, coordinate, manage and control the

1 Montana university system and shall supervise and coordinate
 2 other public educational institutions assigned by law.

3 (b) The board consists of seven eight members,
 4 including one Native American member, appointed by the
 5 governor, and confirmed by the senate, to overlapping terms,
 6 as provided by law. The governor and superintendent of
 7 public instruction are ex officio non-voting members of the
 8 board.

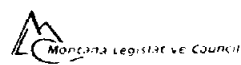
9 (c) The board shall appoint a commissioner of higher
 10 education and prescribe his term and duties.

11 (d) The funds and appropriations under the control of
 12 the board of regents are subject to the same audit
 13 provisions as are all other state funds.

14 (3) (a) There is a board of public education to
 15 exercise general supervision over the public school system
 16 and such other public educational institutions as may be
 17 assigned by law. Other duties of the board shall be provided
 18 by law.

19 (b) The board consists of seven members appointed by
 20 the governor, and confirmed by the senate, to overlapping
 21 terms as provided by law. The governor, commissioner of
 22 higher education and state superintendent of public
 23 instruction shall be ex officio non-voting members of the
 24 board."

25 NEW SECTION. **Section 2.** Submission to electorate. This



-2-
INTRODUCED BILL
HB 407

LC 0832/01

1 amendment shall be submitted to the qualified electors of
2 Montana at the general election to be held in November 1992
3 by printing on the ballot the full title of this act and the
4 following:

5 FOR increasing membership on the board of regents to
6 eight members and requiring the appointment of one
7 Native American member.

8 AGAINST increasing membership on the board of
9 regents to eight members and requiring the
10 appointment of one Native American member.

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0407, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to submit to the qualified electors of Montana an amendment to Article X, Section 9, of the Montana Constitution to increase the membership on the Board of Regents to eight members and to required the appointment of one Native American member.

ASSUMPTIONS:

COMMISSIONER OF HIGHER EDUCATION:

1. The executive recommended budget for Board of Regents administration represents the current law budget for FY92 and FY93.
2. The current budget for Board of Regents administration is based on seven regents. If an additional regent is added, the per diem and operating expenses will increase proportionately.

SECRETARY OF STATE:

1. The Secretary of State will publish complete text of all constitutional amendments in both Voter Information pamphlet and newspapers in each county.
2. The number of constitutional amendments will be similar to 1988 and 1990 elections.
3. Clerks and recorders will continue to pay for mailing of Voter Information pamphlet.
4. The cost to the Secretary of State of this particular constitutional amendment will be absorbed in the current budget for such purposes. Incremental increases in costs will not occur as a result of this single constitutional amendment.


FISCAL IMPACT:


Expenditures:

COMMISSIONER OF HIGHER EDUCATION:

Board of Regents Administration Program

	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
Pers. Serv. (Per Diem)	12,200	12,970	770	12,200	13,943	1,743
Operating Expenses	<u>21,142</u>	<u>22,652</u>	<u>1,510</u>	<u>21,151</u>	<u>24,172</u>	<u>3,021</u>
Total	33,342	35,622	2,280	33,351	38,115	4,764
<u>Funding:</u>						
General Fund	33,342	37,905	4,563	33,351	38,115	4,764


 ROD SUNDSTED, BUDGET DIRECTOR DATE 1-30-91
 Office of Budget and Program Planning


 DOROTHY BRADLEY, PRIMARY SPONSOR DATE

Fiscal Note for HB0407, as introduced

HB 407

CONSTITUTIONAL AMENDMENT
APPROVED BY COMM. ON EDUCATION
AND CULTURAL RESOURCES

House BILL NO. *407*

INTRODUCED BY *Bradley Rife Dennis Smith Russell*
Cody Schye M. Haskin Wayne Yellowtail
MERCER David J. Miller the Boardman

A BILL FOR AN ACT ENTITLED: AN ACT TO SUBMIT TO THE
QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE X,
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MEMBERSHIP ON THE BOARD OF REGENTS TO EIGHT MEMBERS AND TO
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the State of Montana is amended to read:

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board of education composed of the board of regents of
higher education and the board of public education. It is
responsible for long-range planning, and for coordinating
and evaluating policies and programs for the state's
educational systems. It shall submit unified budget
requests. A tie vote at any meeting may be broken by the
governor, who is an ex officio member of each component
board.

(2) (a) The government and control of the Montana
university system is vested in a board of regents of higher
education which shall have full power, responsibility, and
authority to supervise, coordinate, manage and control the

Montana university system and shall supervise and coordinate
other public educational institutions assigned by law.

(b) The board consists of seven eight members,
including one Native American member, appointed by the
governor, and confirmed by the senate, to overlapping terms,
as provided by law. The governor and superintendent of
public instruction are ex officio non-voting members of the
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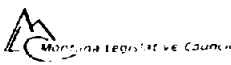
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provisions as are all other state funds.

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exercise general supervision over the public school system
and such other public educational institutions as may be
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NEW SECTION. **Section 2.** Submission to electorate. This



SECOND READING
HB 407

LC 0832/01

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