

SENATE BILL 62

Introduced by Jacobson

1/09	Introduced
1/09	First Reading
1/09	Referred to Finance & Claims
3/14	Hearing
3/20	Committee Report--Bill Passed as Amended
3/22	2nd Reading Passed
3/23	3rd Reading Passed
	Transmitted to House
3/25	First Reading
3/25	Referred to Appropriations
4/03	Hearing
4/04	Tabled in Committee

1 Senate BILL NO. 62
 2 INTRODUCED BY Tracy
 3 BY REQUEST OF THE POSTSECONDARY EDUCATION STUDY COMMITTEE

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO IMPLEMENT A LUMP-SUM
 6 APPROPRIATION POLICY FOR THE UNIVERSITY SYSTEM; AND AMENDING
 7 SECTIONS 17-7-112, 20-2-101, AND 20-25-301, MCA."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 **Section 1.** Section 17-7-112, MCA, is amended to read:

11 "17-7-112. **Submission deadline.** (1) It ~~shall be~~ is the
 12 duty of each department, agency, and office, including the
 13 Montana university system and all other educational
 14 institutions under the general administrative and
 15 supervisory control of the board of regents, to submit the
 16 information required under 17-7-111 to the budget director
 17 on or before September 1 in the even year preceding the
 18 convening of the legislature.

19 (2) Between August 15 and September 30 in the year
 20 preceding the convening of the legislature, the director
 21 must shall submit each state agency's budget request
 22 required under 17-7-111(2) to the legislative fiscal
 23 analyst. The transfer of budget information ~~shall~~ must be
 24 done on a schedule mutually agreed to by the budget director
 25 and the legislative fiscal analyst in a manner that

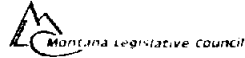
1 facilitates an even transfer of budget information during
 2 the month of September and which that allows each office to
 3 maintain a reasonable staff workflow.

4 (3) If any department, institution, ~~university-unit~~-or
 5 agency ~~shall fail~~, or educational institution under the
 6 general administrative and supervisory control of the board
 7 of regents fails to present such the information within the
 8 time herein specified in this section, the budget director
 9 shall note that fact in the budget submitted to the governor
 10 and the budget director shall prepare and submit to the
 11 legislative fiscal analyst and the governor by October 30 a
 12 budget request on behalf of such the department,
 13 institution, ~~university--unit~~--or agency, or educational
 14 institution based upon his studies of the operations, plans,
 15 and needs thereof.

16 (4) The proposed pay plan schedule required by
 17 17-7-111(3) must be submitted to the legislative fiscal
 18 analyst no later than November 15 in the year preceding the
 19 convening of the legislature."

20 **Section 2.** Section 20-2-101, MCA, is amended to read:

21 "20-2-101. Combined boards as state board -- budget
 22 review -- officers -- meetings -- quorum. (1) The board of
 23 public education and the board of regents meeting together
 24 as the state board of education ~~shall be~~ are responsible for
 25 long-range planning and for coordinating and evaluating



1 policies and programs for the public educational systems of
 2 the state. The state board of education shall review and
 3 unify the budget requests of educational entities assigned
 4 by law to the board of public education, the board of
 5 regents, or the state board of education and shall submit a
 6 unified budget request with recommendations to the
 7 appropriate state agency on or before September 1 in the
 8 year preceding the convening of the legislature.

9 (2) The governor is the president of, the
 10 superintendent of public instruction is the secretary to,
 11 and the commissioner ~~shall-be~~ is a nonvoting participant at
 12 all meetings of the state board of education.

13 (3) The state board of education may select a member to
 14 chair its meetings in the absence of the governor.

15 (4) A tie vote at any meeting may be broken by the
 16 governor.

17 (5) A majority of members appointed to the board of
 18 public education and the board of regents shall constitute a
 19 quorum for transaction of business as the state board of
 20 education.

21 (6) The board of public education and the board of
 22 regents shall meet at least twice yearly as the state board
 23 of education.

24 (7) Other meetings of the state board of education may
 25 be called by the governor, by both the secretary to the

1 board of public education and the secretary to the board of
 2 regents, or by joint action of eight appointed members, four
 3 each from the board of public education and the board of
 4 regents. All meetings of the state board of education ~~shall~~
 5 be are for the purposes set forth in subsection (1) above or
 6 for the purpose of considering other matters of common
 7 concern to the board of public education and the board of
 8 regents, but the state board of education may not exercise
 9 the powers and duties assigned by the 1972 Montana
 10 constitution and by law to the board of public education and
 11 the board of regents."

12 **Section 3.** Section 20-25-301, MCA, is amended to read:

13 **"20-25-301. Regents' powers and duties.** The board of
 14 regents of higher education shall serve as regents of the
 15 Montana university system, ~~shall-use-and-adopt-this-style-in~~
 16 ~~all-its-dealings-therewith,~~ and shall:

17 (1) have general control and supervision of the units
 18 of the Montana university system, which shall must be
 19 considered for all purposes one university;

20 (2) adopt rules, ~~not-inconsistent that are consistent~~
 21 with the constitution and the laws of the state, ~~for-its-own~~
 22 ~~government--which~~ and that are proper and necessary for the
 23 execution of the powers and duties conferred upon it by law;

24 (3) provide, subject to the laws of the state, rules
 25 for the government of the system;

1 (4) grant diplomas and degrees to the graduates of the
 2 system upon the recommendation of the faculties and have
 3 discretion to confer honorary degrees upon persons other
 4 than graduates upon the recommendation of the faculty of
 5 such the institutions;
 6 (5) keep a record of its proceedings;
 7 (6) have, when not otherwise provided by law, control
 8 of all books, records, buildings, grounds, and other
 9 property of the system;
 10 (7) receive from the board of land commissioners, other
 11 boards, or persons, or from the government of the United
 12 States all funds, incomes, and other property the system may
 13 be entitled to and use and appropriate the property for the
 14 specific purpose of the grant or donation;
 15 (8) have general control of all receipts and
 16 disbursements of the system;
 17 (9) appoint a president and faculty for each of the
 18 institutions of the system; appoint any other necessary
 19 officers, agents, and employees; and fix their
 20 compensation;
 21 (10) confer upon the executive board of each of the
 22 units of the system such authority as ~~may--be--deemed~~ is
 23 considered expedient relating to immediate control and
 24 management, other than authority relating to financial
 25 matters or the selection of the teachers, employees, and

1 faculty;
 2 (11) confer, at the regents' discretion, upon the
 3 president and faculty of each of the units of the system for
 4 the best interest of the unit such authority relating to the
 5 immediate control and management, {other than financial},
 6 and the selection of teachers and employees;
 7 (12) prevent unnecessary duplication of courses at the
 8 units of the system;
 9 (13) appoint a certified professional geologist or
 10 registered mining engineer as the director of the Montana
 11 state bureau of mines and geology, who ~~shall--be~~ is
 12 designated the state geologist, and appoint any other
 13 necessary assistants and employees and fix their
 14 compensation. The regents shall prepare a report to each
 15 regular session of the legislature showing the progress and
 16 condition of the bureau, including any other necessary or
 17 required information.
 18 (14) supervise and control the agricultural experiment
 19 station, along with any executive or subordinate board or
 20 authority ~~which~~ that may be appointed by the governor with
 21 the advice and consent of the regents;
 22 (15) adopt a seal bearing that bears on its face the
 23 words "Montana university system"; ~~which and that~~ must be
 24 affixed to all diplomas and all other papers, instruments,
 25 or documents which that may require it;

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1 (16) assure an adequate level of security for data and
2 information technology resources, as defined in 2-15-102,
3 within the state university system. In carrying out this
4 responsibility, the board of regents shall, at a minimum,
5 address the responsibilities prescribed in 2-15-114.

6 (17) submit a copy of the budgets for the educational
7 institutions under general administrative and supervisory
8 control of the board of regents to the state board of
9 education before September 1 in the year preceding the
10 convening of the legislature."

-End-

1 SENATE BILL NO. 62

2 INTRODUCED BY JACOBSON

3 BY REQUEST OF THE POSTSECONDARY EDUCATION STUDY COMMITTEE

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5 A BILL FOR AN ACT ENTITLED: "AN ACT TO IMPLEMENT
6 ACCOMMODATE A LUMP-SUM APPROPRIATION POLICY FOR THE
7 UNIVERSITY SYSTEM; AND AMENDING SECTIONS 17-7-112, 20-2-101,
8 AND 20-25-301, MCA."
9

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

11 **Section 1.** Section 17-7-112, MCA, is amended to read:12 "17-7-112. **Submission deadline.** (1) It ~~shall be~~ is the
13 duty of each department, agency, and office, including the
14 ~~Montana-university-system and~~ BOARD OF REGENTS ON BEHALF OF
15 all other educational institutions under the ITS general
16 administrative and supervisory control of--the--board--of
17 regents, to submit the information required under 17-7-111
18 to the budget director on or before September 1 in the even
19 year preceding the convening of the legislature.20 (2) Between August 15 and September 30 in the year
21 preceding the convening of the legislature, the director
22 must shall submit each state agency's budget request
23 required under 17-7-111(2) to the legislative fiscal
24 analyst. The transfer of budget information ~~shall~~ must be
25 done on a schedule mutually agreed to by the budget director1 and the legislative fiscal analyst in a manner that
2 facilitates an even transfer of budget information during
3 the month of September and ~~which that~~ allows each office to
4 maintain a reasonable staff workflow.5 (3) If any department, institution, ~~university-unit, or~~
6 OR agency shall fail, or educational institution under the
7 general administrative and supervisory control of the--board
8 of--regents fails THE BOARD OF REGENTS FAILS to present such
9 the information within the time herein specified in this
10 section, the budget director shall note that fact in the
11 budget submitted to the governor and the budget director
12 shall prepare and submit to the legislative fiscal analyst
13 and the governor by October 30 a budget request on behalf of
14 such the department, institution, ~~university--unit,--or~~ OR
15 agency, or THE educational institution INSTITUTIONS UNDER
16 GENERAL ADMINISTRATIVE AND SUPERVISORY CONTROL OF THE BOARD
17 OF REGENTS, based upon his studies of the operations, plans,
18 and needs thereof.19 (4) The proposed pay plan schedule required by
20 17-7-111(3) must be submitted to the legislative fiscal
21 analyst no later than November 15 in the year preceding the
22 convening of the legislature."23 **Section 2.** Section 20-2-101, MCA, is amended to read:24 "20-2-101. Combined boards as state board -- budget
25 review -- officers -- meetings -- quorum. (1) The board of

1 public education and the board of regents meeting together
 2 as the state board of education ~~shall be~~ are responsible for
 3 long-range planning and for coordinating and evaluating
 4 policies and programs for the public educational systems of
 5 the state. The state board of education shall review and
 6 unify the budget requests of educational entities assigned
 7 by law to the board of public education, the board of
 8 regents, or the state board of education and shall submit a
 9 unified budget request with recommendations to the
 10 appropriate state agency on or before September 1 in the
 11 year preceding the convening of the legislature.

12 (2) The governor is the president of, the
 13 superintendent of public instruction is the secretary to,
 14 and the commissioner ~~shall be~~ is a nonvoting participant at
 15 all meetings of the state board of education.

16 (3) The state board of education may select a member to
 17 chair its meetings in the absence of the governor.

18 (4) A tie vote at any meeting may be broken by the
 19 governor.

20 (5) A majority of members appointed to the board of
 21 public education and the board of regents ~~shall~~ constitute a
 22 quorum for transaction of business as the state board of
 23 education.

24 (6) The board of public education and the board of
 25 regents shall meet at least twice yearly as the state board

1 of education.

2 (7) Other meetings of the state board of education may
 3 be called by the governor, by both the secretary to the
 4 board of public education and the secretary to the board of
 5 regents, or by joint action of eight appointed members, four
 6 each from the board of public education and the board of
 7 regents. All meetings of the state board of education ~~shall~~
 8 be are for the purposes set forth in subsection (1) above or
 9 for the purpose of considering other matters of common
 10 concern to the board of public education and the board of
 11 regents, but the state board of education may not exercise
 12 the powers and duties assigned by the 1972 Montana
 13 constitution and by law to the board of public education and
 14 the board of regents."

15 **Section 3.** Section 20-25-301, MCA, is amended to read:

16 "20-25-301. Regents' powers and duties. The board of
 17 regents of higher education ~~shall~~ serve as regents of the
 18 Montana university system, ~~shall use and adopt this style in~~
 19 ~~all its dealings therewith,~~ and shall:

20 (1) have general control and supervision of the units
 21 of the Montana university system, which ~~shall~~ must be
 22 considered for all purposes one university;

23 (2) adopt rules, ~~not inconsistent that are consistent~~
 24 with the constitution and the laws of the state, ~~for its own~~
 25 ~~government--which~~ and that are proper and necessary for the

1 execution of the powers and duties conferred upon it by law;

2 (3) provide, subject to the laws of the state, rules
3 for the government of the system;

4 (4) grant diplomas and degrees to the graduates of the
5 system upon the recommendation of the faculties and have
6 discretion to confer honorary degrees upon persons other
7 than graduates upon the recommendation of the faculty of
8 ~~such the~~ institutions;

9 (5) keep a record of its proceedings;

10 (6) have, when not otherwise provided by law, control
11 of all books, records, buildings, grounds, and other
12 property of the system;

13 (7) receive from the board of land commissioners, other
14 boards, or persons, or from the government of the United
15 States all funds, incomes, and other property the system may
16 be entitled to and use and appropriate the property for the
17 specific purpose of the grant or donation;

18 (8) have general control of all receipts and
19 disbursements of the system;

20 (9) appoint a president and faculty for each of the
21 institutions of the system; appoint any other necessary
22 officers, agents, and employees; and fix their
23 compensation;

24 (10) confer upon the executive board of each of the
25 units of the system such authority as ~~may--be--deemed~~ is

1 considered expedient relating to immediate control and
2 management, other than authority relating to financial
3 matters or the selection of the teachers, employees, and
4 faculty;

5 (11) confer, at the regents' discretion, upon the
6 president and faculty of each of the units of the system for
7 the best interest of the unit such authority relating to the
8 immediate control and management, ~~{other than financial}~~
9 and the selection of teachers and employees;

10 (12) prevent unnecessary duplication of courses at the
11 units of the system;

12 (13) appoint a certified professional geologist or
13 registered mining engineer as the director of the Montana
14 state bureau of mines and geology, who ~~shall--be~~ is
15 designated the state geologist, and appoint any other
16 necessary assistants and employees and fix their
17 compensation. The regents shall prepare a report to each
18 regular session of the legislature showing the progress and
19 condition of the bureau, including any other necessary or
20 required information.

21 (14) supervise and control the agricultural experiment
22 station, along with any executive or subordinate board or
23 authority ~~which~~ that may be appointed by the governor with
24 the advice and consent of the regents;

25 (15) adopt a seal bearing that bears on its face the

1 words "Montana university system", ~~which and that~~ must be
2 affixed to all diplomas and all other papers, instruments,
3 or documents ~~which that~~ may require it;

4 (16) assure an adequate level of security for data and
5 information technology resources, as defined in 2-15-102,
6 within the state university system. In carrying out this
7 responsibility, the board of regents shall, at a minimum,
8 address the responsibilities prescribed in 2-15-114.

9 (17) submit a ~~copy--of--the--budgets--for~~ UNIFIED BUDGET
10 REQUEST FOR the educational institutions under THE general
11 administrative and supervisory control of the board of
12 regents to the state board of education before September 1
13 in the year preceding the convening of the legislature."

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15 all other educational institutions under the ITS general
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9 the information within the time herein specified in this
10 section, the budget director shall note that fact in the
11 budget submitted to the governor and the budget director
12 shall prepare and submit to the legislative fiscal analyst
13 and the governor by October 30 a budget request on behalf of
14 such the department, institution, ~~university--unity--or~~ OR
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16 GENERAL ADMINISTRATIVE AND SUPERVISORY CONTROL OF THE BOARD
17 OF REGENTS, based upon his studies of the operations, plans,
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25 review -- officers -- meetings -- quorum. (1) The board of

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 5 regents, or by joint action of eight appointed members, four
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 10 concern to the board of public education and the board of
 11 regents, but the state board of education may not exercise
 12 the powers and duties assigned by the 1972 Montana
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 17 regents of higher education ~~shall~~ serve as regents of the
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 21 of the Montana university system, which ~~shall~~ must be
 22 considered for all purposes one university;

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 25 ~~government--which~~ and that are proper and necessary for the

1 execution of the powers and duties conferred upon it by law;
 2 (3) provide, subject to the laws of the state, rules
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 5 system upon the recommendation of the faculties and have
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 16 be entitled to and use and appropriate the property for the
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 21 institutions of the system; appoint any other necessary
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 25 units of the system such authority as ~~may--be--deemed~~ is

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 11 units of the system;
 12 (13) appoint a certified professional geologist or
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 14 state bureau of mines and geology, who ~~shall--be~~ is
 15 designated the state geologist, and appoint any other
 16 necessary assistants and employees and fix their
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 18 regular session of the legislature showing the progress and
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 20 required information.
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 22 station, along with any executive or subordinate board or
 23 authority ~~which~~ that may be appointed by the governor with
 24 the advice and consent of the regents;
 25 (15) adopt a seal bearing that bears on its face the

1 words "Montana university system",--which and that must be
2 affixed to all diplomas and all other papers, instruments,
3 or documents which that may require it;

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5 information technology resources, as defined in 2-15-102,
6 within the state university system. In carrying out this
7 responsibility, the board of regents shall, at a minimum,
8 address the responsibilities prescribed in 2-15-114.

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10 REQUEST FOR the educational institutions under THE general
11 administrative and supervisory control of the board of
12 regents to the state board of education before September 1
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-End-