

1 House BILL NO. 361
2 INTRODUCED BY Clark

3
4 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 PROVIDE FOR AN
7 ELECTED NONPARTISAN COMMISSIONER OF HIGHER EDUCATION."

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

10 Section 1. Article X, section 9 of the Montana
11 Constitution is amended to read as follows:

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

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

1 other public educational institutions assigned by law.

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

7 ~~(c) --The board shall appoint a commissioner of higher~~
8 ~~education and prescribe his term and duties.~~

9 (c) A nonpartisan commissioner of higher education
10 shall be elected to a four (4) year term by the qualified
11 electors at a general election provided by law. The
12 commissioner of higher education shall report to the board
13 of regents, but shall have such qualifications, duties, and
14 compensation as provided by law.

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

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

23 (b) The board consists of seven members appointed by
24 the governor, and confirmed by the senate, to overlapping
25 terms as provided by law. The governor, commissioner of

1 higher education and state superintendent of public
2 instruction shall be ex officio non-voting members of the
3 board."

4 Section 2. When this amendment is submitted to the
5 qualified electors of Montana, there shall be printed on the
6 ballot the full title and section 1 of this act and the
7 following words:

▣ For an elected nonpartisan commissioner
of higher education.

8 ▣ Against an elected nonpartisan commissioner
9 of higher education."

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