

1                    SENATE BILL NO. 7  
2    INTRODUCED BY BLAYLOCK  
3  
4    A BILL FOR AN ACT ENTITLED: "AN ACT TO REPEAL CHAPTER 434,  
5    LAWS OF 1975, WHICH WAS DECLARED UNCONSTITUTIONAL BY THE  
6    MONTANA SUPREME COURT."  
7  
8    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
9        Section 1. Chapter 434, Laws of 1975, is repealed.

-End-

INTRODUCED BILL

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LC 0002

1977 Legislature  
Code Commissioner Bill - Summary

Senate Bill No. 7

TO REPEAL CHAPTER 434, LAWS 1975, WHICH WAS DECLARED UN-  
CONSTITUTIONAL BY THE MONTANA SUPREME COURT.

In Board of Public Education v. Judge, 32 St. Rep. 670 (1975), the Montana Supreme Court specifically declared Chapter 434, Laws of 1975 unconstitutional as violative of Article X, Section 9, 1972 Montana Constitution. The enactment attempted to transfer responsibility for vocational education from the Board of Public Education to the State Board of Education. The court, relying on constitutional convention histories, held that the State Board of Education's authority is strictly limited to long-range planning, coordination, and evaluation and that "administering vocational education" cannot fall within the parameters of this authority. The court also rejected an argument that part of the act was severable and would survive constitutional scrutiny. Therefore, the entire act was declared void.

Approved by Committee  
on State Administration

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