

1 *Senate* BILL NO. *447*
 2 INTRODUCED BY *McBallum, Dunkel, E. Smith*
 3 *Madsen, Thomas, Murray, Goodner, NELSON, Lee*
 4 *Alvar* A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBMIT TO THE *also*
 5 QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VI, *Norman*
 6 SECTIONS 1, 2, 3, 4, 6, AND 7, AND ARTICLE X, SECTIONS 4 AND *Jerguson*
 7 9, OF THE MONTANA CONSTITUTION TO ABOLISH THE OFFICE OF *Moody*
 8 SUPERINTENDENT OF PUBLIC INSTRUCTION; OR AN ALTERNATIVE *Boyer*
 9 AMENDMENT TO ARTICLE X, SECTION 9, OF THE MONTANA *Murphy*
 10 CONSTITUTION TO ABOLISH THE BOARD OF PUBLIC EDUCATION."
 11 *Walt*
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: *Stankam*
 13 Section 1. (1) If separate issue A of section 3 *Bryner*
 14 concerning abolishing the board of public education is *Lynch*
 15 approved by the electors, then: *Boyer*
 16 Article X, section 9, of the Montana constitution is *Boyer*
 17 amended to read as follows: *Stallard*
 18 "Section 9. Boards of education. (1) There is a state
 19 board of education composed of the chairman of the board of
 20 regents of higher education, ~~and the board of public~~
 21 ~~education superintendent of public instruction, and the~~
 22 ~~governor, who shall be an ex officio nonvoting member except~~
 23 ~~in case of a disagreement between the other members.~~ It is
 24 responsible for long-range planning, and for coordinating
 25 and evaluating policies and programs for the state's

1 educational systems. It shall submit unified budget
 2 requests. ~~A tie vote at any meeting may be broken by the~~
 3 ~~governor, who is an ex officio member of each component~~
 4 ~~board.~~
 5 (2) (a) The government and control of the Montana
 6 university system is vested in a board of regents of higher
 7 education which shall have full power, responsibility, and
 8 authority to supervise, coordinate, manage and control the
 9 Montana university system and shall supervise and coordinate
 10 other public educational institutions assigned by law.
 11 (b) The board consists of seven members appointed by
 12 the governor, and confirmed by the senate, to overlapping
 13 terms, as provided by law. The governor and superintendent
 14 of public instruction are ex officio non-voting members of
 15 the board.
 16 (c) The board shall appoint a commissioner of higher
 17 education and prescribe his term and duties.
 18 (d) The funds and appropriations under the control of
 19 the board of regents are subject to the same audit
 20 provisions as are all other state funds.
 21 (3) (a) ~~There is a board of public education to the~~
 22 ~~superintendent of public instruction shall exercise general~~
 23 supervision over the public school system and such other
 24 public educational institutions as may be assigned by law.
 25 ~~Other duties of the board shall be provided by law.~~

1 ~~{b}--The--board--consists--of--seven--members--appointed--by~~
 2 ~~the--governor--and--confirmed--by--the--senate--to--overlapping~~
 3 ~~terms--as--provided--by--law--The--governor--commissioner--of~~
 4 ~~higher--education--and--state--superintendent--of--public~~
 5 ~~instruction--shall--be--ex-officio--non-voting--members--of--the~~
 6 ~~boards."~~

7 (2) If separate issue B of section 3 concerning
 8 abolishing the office of superintendent of public
 9 instruction is approved by the electors, then:

10 (a) Article VI, section 1, of the Montana constitution
 11 is amended to read as follows:

12 "Section 1. Officers. (1) The executive branch
 13 includes a governor, lieutenant governor, secretary of
 14 state, attorney general, ~~superintendent--of--public~~
 15 ~~instruction~~ and auditor.

16 (2) Each holds office for a term of four years which
 17 begins on the first Monday of January next succeeding
 18 election, and until a successor is elected and qualified.

19 (3) Each shall reside at the seat of government, there
 20 keep the public records of his office, and perform such
 21 other duties as are provided in this constitution and by
 22 law."

23 (b) Article VI, section 2, of the Montana constitution
 24 is amended to read as follows:

25 "Section 2. Election. (1) The governor, lieutenant

1 governor, secretary of state, attorney general,
 2 superintendent of public instruction, and auditor shall be
 3 elected by the qualified electors at a general election
 4 provided by law.

5 (2) Each candidate for governor shall file jointly
 6 with a candidate for lieutenant governor in primary
 7 elections, or so otherwise comply with nomination procedures
 8 provided by law that the offices of governor and lieutenant
 9 governor are voted upon together in primary and general
 10 elections."

11 (c) Article VI, section 3, of the Montana constitution
 12 is amended to read as follows:

13 "Section 3. Qualifications. (1) No person shall be
 14 eligible to the office of governor, lieutenant governor,
 15 secretary of state, attorney general, ~~superintendent--of~~
 16 ~~public--instruction~~ or auditor unless he is 25 years of age
 17 or older at the time of his election. In addition, each
 18 shall be a citizen of the United States who has resided
 19 within the state two years next preceding his election.

20 (2) Any person with the foregoing qualifications is
 21 eligible to the office of attorney general if an attorney in
 22 good standing admitted to practice law in Montana who has
 23 engaged in the active practice thereof for at least five
 24 years before election.

25 ~~{b}--The--superintendent--of--public--instruction--shall~~

1 ~~have such educational qualifications as are provided by~~
2 ~~law."~~

3 (d) Article VI, section 4, of the Montana constitution
4 is amended to read as follows:

5 "Section 4. Duties. (1) The executive power is vested
6 in the governor who shall see that the laws are faithfully
7 executed. He shall have such other duties as are provided in
8 this constitution and by law.

9 (2) The lieutenant governor shall perform the duties
10 provided by law and those delegated to him by the governor.
11 No power specifically vested in the governor by this
12 constitution may be delegated to the lieutenant governor.

13 (3) The secretary of state shall maintain official
14 records of the executive branch and of the acts of the
15 legislature, as provided by law. He shall keep the great
16 seal of the state of Montana and perform any other duties
17 provided by law.

18 (4) The attorney general is the legal officer of the
19 state and shall have the duties and powers provided by law.

20 (5) ~~The superintendent of public instruction and the~~
21 ~~auditor shall have such duties as are provided by law."~~

22 (e) Article VI, section 6, of the Montana constitution
23 is amended to read as follows:

24 "Section 6. Vacancy in office. (1) If the office of
25 lieutenant governor becomes vacant by his succession to the

1 office of governor, or by his death, resignation, or
2 disability as determined by law, the governor shall appoint
3 a qualified person to serve in that office for the remainder
4 of the term. If both the elected governor and the elected
5 lieutenant governor become unable to serve in the office of
6 governor, succession to the respective offices shall be as
7 provided by law for the period until the next general
8 election. Then, a governor and lieutenant governor shall be
9 elected to fill the remainder of the original term.

10 (2) If the office of secretary of state, attorney
11 general, ~~or auditor, or superintendent of public instruction~~
12 becomes vacant by death, resignation, or disability as
13 determined by law, the governor shall appoint a qualified
14 person to serve in that office until the next general
15 election and until a successor is elected and qualified. The
16 person elected to fill a vacancy shall hold the office until
17 the expiration of the term for which his predecessor was
18 elected."

19 (f) Article VI, section 7, of the Montana constitution
20 is amended to read as follows:

21 "Section 7. 20 departments. All executive and
22 administrative offices, boards, bureaus, commissions,
23 agencies and instrumentalities of the executive branch
24 (except for the office of governor, lieutenant governor,
25 secretary of state, attorney general, ~~superintendent of~~

1 ~~public--instruction~~ and auditor) and their respective
 2 functions, powers, and duties, shall be allocated by law
 3 among not more than 20 principal departments so as to
 4 provide an orderly arrangement in the administrative
 5 organization of state government. Temporary commissions may
 6 be established by law and need not be allocated within a
 7 department."

8 (g) Article X, section 4, of the Montana constitution
 9 is amended to read as follows:

10 "Section 4. Board of land commissioners. The governor,
 11 ~~superintendent--of--public--instruction~~, auditor, secretary of
 12 state, and attorney general constitute the board of land
 13 commissioners. It has the authority to direct, control,
 14 lease, exchange, and sell school lands and lands which have
 15 been or may be granted for the support and benefit of the
 16 various state educational institutions, under such
 17 regulations and restrictions as may be provided by law."

18 (h) Article X, section 9, of the Montana constitution
 19 is amended to read as follows:

20 "Section 9. Boards of education. (1) There is a state
 21 board of education composed of the board of regents of
 22 higher education and the board of public education. It is
 23 responsible for long-range planning, and for coordinating
 24 and evaluating policies and programs for the state's
 25 educational systems. It shall submit unified budget

1 requests. A tie vote at any meeting may be broken by the
 2 governor, who is an ex officio member of each component
 3 board.

4 (2) (a) The government and control of the Montana
 5 university system is vested in a board of regents of higher
 6 education which shall have full power, responsibility, and
 7 authority to supervise, coordinate, manage and control the
 8 Montana university system and shall supervise and coordinate
 9 other public educational institutions assigned by law.

10 (b) The board consists of seven members appointed by
 11 the governor, and confirmed by the senate, to overlapping
 12 terms, as provided by law. The governor ~~and--superintendent~~
 13 ~~of--public--instruction--are~~ is an ex officio non-voting
 14 ~~members member~~ of the board.

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

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

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

25 (b) The board consists of seven members appointed by

1 the governor, and confirmed by the senate, to overlapping
2 terms as provided by law. The governor, ~~and~~ commissioner of
3 higher education ~~and state superintendent of public~~
4 ~~instruction~~ shall be ex officio non-voting members of the
5 board."

6 Section 2. Effective date. If approved by the
7 electorate, the approved amendment shall be effective on the
8 first Monday of January, 1981.

9 Section 3. Submission to electors. These amendments
10 shall be submitted to the electors of the state of Montana
11 at the general election to be held November 7, 1978, by
12 printing on the ballot the title and the following:

13 (vote for one)

- 14 A. FOR abolishing the appointed board of public
15 education.
- 16 B. FOR abolishing the elected office of
17 superintendent of public instruction.
- 18 C. AGAINST both the above amendments and for
19 retaining the constitution in its present form.

-End-

Approved by Committee
on Education

1 *Senate* BILL NO. *447*
 2 INTRODUCED BY *McBallum Dunkel E. Smith*
 3 *Maths Thomas Murray Goodover NELSON Lee*
 4 *Aber* A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBMIT TO THE *also*
 5 QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VI, *Norman*
 6 SECTIONS 1, 2, 3, 4, 6, AND 7, AND ARTICLE X, SECTIONS 4 AND *Jerguson*
 7 9, OF THE MONTANA CONSTITUTION TO ABOLISH THE OFFICE OF *Moaly*
 8 SUPERINTENDENT OF PUBLIC INSTRUCTION; OR AN ALTERNATIVE *Boyle*
 9 AMENDMENT TO ARTICLE X, SECTION 9, OF THE MONTANA *Murphy*
 10 CONSTITUTION TO ABOLISH THE BOARD OF PUBLIC EDUCATION."
 11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: *Boyer*
 13 Section 1. (1) If separate issue A. of section 3 *French*
 14 concerning abolishing the board of public education is *Law*
 15 approved by the electors, then: *Boyer*
 16 Article X, section 9, of the Montana constitution is *Ballaban*
 17 amended to read as follows:
 18 "Section 9. Boards of education. (1) There is a state
 19 board of education composed of the chairman of the board of
 20 regents of higher education, and the board of public
 21 education superintendent of public instruction, and the
 22 governor, who shall be an ex officio nonvoting member except
 23 in case of a disagreement between the other members. It is
 24 responsible for long-range planning, and for coordinating
 25 and evaluating policies and programs for the state's

1 educational systems. It shall submit unified budget
 2 requests. ~~A tie vote at any meeting may be broken by the~~
 3 ~~governor, who is an ex officio member of each component~~
 4 ~~boards.~~
 5 (2) (a) The government and control of the Montana
 6 university system is vested in a board of regents of higher
 7 education which shall have full power, responsibility, and
 8 authority to supervise, coordinate, manage and control the
 9 Montana university system and shall supervise and coordinate
 10 other public educational institutions assigned by law.
 11 (b) The board consists of seven members appointed by
 12 the governor, and confirmed by the senate, to overlapping
 13 terms, as provided by law. The governor and superintendent
 14 of public instruction are ex officio non-voting members of
 15 the board.
 16 (c) The board shall appoint a commissioner of higher
 17 education and prescribe his term and duties.
 18 (d) The funds and appropriations under the control of
 19 the board of regents are subject to the same audit
 20 provisions as are all other state funds.
 21 (3) (a) ~~There is a board of public education to the~~
 22 ~~superintendent of public instruction shall exercise general~~
 23 ~~supervision over the public school system and such other~~
 24 ~~public educational institutions as may be assigned by law.~~
 25 ~~Other duties of the board shall be provided by law.~~

1 ~~(b) The board consists of seven members appointed by~~
 2 ~~the governor, and confirmed by the senate, to overlapping~~
 3 ~~terms as provided by law. The governor, commissioner of~~
 4 ~~higher education and state superintendent of public~~
 5 ~~instruction shall be ex-officio non-voting members of the~~
 6 ~~board."~~

7 (2) If separate issue B of section 3 concerning
 8 abolishing the office of superintendent of public
 9 instruction is approved by the electors, then:

10 (a) Article VI, section 1, of the Montana constitution
 11 is amended to read as follows:

12 "Section 1. Officers. (1) The executive branch
 13 includes a governor, lieutenant governor, secretary of
 14 state, attorney general, ~~superintendent of public~~
 15 ~~instruction, and auditor.~~

16 (2) Each holds office for a term of four years which
 17 begins on the first Monday of January next succeeding
 18 election, and until a successor is elected and qualified.

19 (3) Each shall reside at the seat of government, there
 20 keep the public records of his office, and perform such
 21 other duties as are provided in this constitution and by
 22 law."

23 (b) Article VI, section 2, of the Montana constitution
 24 is amended to read as follows:

25 "Section 2. Election. (1) The governor, lieutenant

1 governor, secretary of state, attorney general,
 2 ~~superintendent of public instruction,~~ and auditor shall be
 3 elected by the qualified electors at a general election
 4 provided by law.

5 (2) Each candidate for governor shall file jointly
 6 with a candidate for lieutenant governor in primary
 7 elections, or so otherwise comply with nomination procedures
 8 provided by law that the offices of governor and lieutenant
 9 governor are voted upon together in primary and general
 10 elections."

11 (c) Article VI, section 3, of the Montana constitution
 12 is amended to read as follows:

13 "Section 3. Qualifications. (1) No person shall be
 14 eligible to the office of governor, lieutenant governor,
 15 secretary of state, attorney general, ~~superintendent of~~
 16 ~~public instruction,~~ or auditor unless he is 25 years of age
 17 or older at the time of his election. In addition, each
 18 shall be a citizen of the United States who has resided
 19 within the state two years next preceding his election.

20 (2) Any person with the foregoing qualifications is
 21 eligible to the office of attorney general if an attorney in
 22 good standing admitted to practice law in Montana who has
 23 engaged in the active practice thereof for at least five
 24 years before election.

25 ~~(3) The superintendent of public instruction shall~~

1 ~~have such educational qualifications as are provided by~~
2 ~~laws"~~

3 (d) Article VI, section 4, of the Montana constitution
4 is amended to read as follows:

5 "Section 4. Duties. (1) The executive power is vested
6 in the governor who shall see that the laws are faithfully
7 executed. He shall have such other duties as are provided in
8 this constitution and by law.

9 (2) The lieutenant governor shall perform the duties
10 provided by law and those delegated to him by the governor.
11 No power specifically vested in the governor by this
12 constitution may be delegated to the lieutenant governor.

13 (3) The secretary of state shall maintain official
14 records of the executive branch and of the acts of the
15 legislature, as provided by law. He shall keep the great
16 seal of the state of Montana and perform any other duties
17 provided by law.

18 (4) The attorney general is the legal officer of the
19 state and shall have the duties and powers provided by law.

20 (5) ~~The superintendent of public instruction and the~~
21 ~~auditor shall have such duties as are provided by law."~~

22 (e) Article VI, section 6, of the Montana constitution
23 is amended to read as follows:

24 "Section 6. Vacancy in office. (1) If the office of
25 lieutenant governor becomes vacant by his succession to the

1 office of governor, or by his death, resignation, or
2 disability as determined by law, the governor shall appoint
3 a qualified person to serve in that office for the remainder
4 of the term. If both the elected governor and the elected
5 lieutenant governor become unable to serve in the office of
6 governor, succession to the respective offices shall be as
7 provided by law for the period until the next general
8 election. Then, a governor and lieutenant governor shall be
9 elected to fill the remainder of the original term.

10 (2) If the office of secretary of state, attorney
11 general, ~~or auditor, or superintendent of public instruction~~
12 becomes vacant by death, resignation, or disability as
13 determined by law, the governor shall appoint a qualified
14 person to serve in that office until the next general
15 election and until a successor is elected and qualified. The
16 person elected to fill a vacancy shall hold the office until
17 the expiration of the term for which his predecessor was
18 elected."

19 (f) Article VI, section 7, of the Montana constitution
20 is amended to read as follows:

21 "Section 7. 20 departments. All executive and
22 administrative offices, boards, bureaus, commissions,
23 agencies and instrumentalities of the executive branch
24 (except for the office of governor, lieutenant governor,
25 secretary of state, attorney general, ~~superintendent of~~

1 ~~public instruction~~ and auditor) and their respective
 2 functions, powers, and duties, shall be allocated by law
 3 among not more than 20 principal departments so as to
 4 provide an orderly arrangement in the administrative
 5 organization of state government. Temporary commissions may
 6 be established by law and need not be allocated within a
 7 department."

8 (g) Article X, section 4, of the Montana constitution
 9 is amended to read as follows:

10 "Section 4. Board of land commissioners. The governor,
 11 ~~superintendent of public instruction~~ auditor, secretary of
 12 state, and attorney general constitute the board of land
 13 commissioners. It has the authority to direct, control,
 14 lease, exchange, and sell school lands and lands which have
 15 been or may be granted for the support and benefit of the
 16 various state educational institutions, under such
 17 regulations and restrictions as may be provided by law."

18 (h) Article X, section 9, of the Montana constitution
 19 is amended to read as follows:

20 "Section 9. Boards of education. (1) There is a state
 21 board of education composed of the board of regents of
 22 higher education and the board of public education. It is
 23 responsible for long-range planning, and for coordinating
 24 and evaluating policies and programs for the state's
 25 educational systems. It shall submit unified budget

1 requests. A tie vote at any meeting may be broken by the
 2 governor, who is an ex officio member of each component
 3 board.

4 (2) (a) The government and control of the Montana
 5 university system is vested in a board of regents of higher
 6 education which shall have full power, responsibility, and
 7 authority to supervise, coordinate, manage and control the
 8 Montana university system and shall supervise and coordinate
 9 other public educational institutions assigned by law.

10 (b) The board consists of seven members appointed by
 11 the governor, and confirmed by the senate, to overlapping
 12 terms, as provided by law. The governor ~~and superintendent~~
 13 ~~of public instruction~~ are ~~is an~~ ex officio non-voting
 14 ~~members member~~ of the board.

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

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 18 the board of regents are subject to the same audit
 19 provisions as are all other state funds.

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

25 (b) The board consists of seven members appointed by

1 the governor, and confirmed by the senate, to overlapping
2 terms as provided by law. The governor and commissioner of
3 higher education and ~~state superintendent of public~~
4 ~~instruction~~ shall be ex officio non-voting members of the
5 board."

6 Section 2. Effective date. If approved by the
7 electorate, the approved amendment shall be effective on the
8 first Monday of January, 1981.

9 Section 3. Submission to electors. These amendments
10 shall be submitted to the electors of the state of Montana
11 at the general election to be held November 7, 1978, by
12 printing on the ballot the title and the following:

13 (vote for one)

- 14 A. FOR abolishing the appointed board of public
15 education.
- 16 B. FOR abolishing the elected office of
17 superintendent of public instruction.
- 18 C. AGAINST both the above amendments and for
19 retaining the constitution in its present form.

-End-

1 *Senate* BILL NO. *447*
 2 INTRODUCED BY *McCallum, Dunbar, E. Smith*
 3 *Mads Thomas Murray Goodover Nelson Lee*
 4 *Alber* A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBMIT TO THE *also*
 5 QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VI, *Norman*
 6 SECTIONS 1, 2, 3, 4, 6, AND 7, AND ARTICLE X, SECTIONS 4 AND *Jerguson*
 7 9, OF THE MONTANA CONSTITUTION TO ABOLISH THE OFFICE OF *Monly*
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 9 AMENDMENT TO ARTICLE X, SECTION 9, OF THE MONTANA *Murphy*
 10 CONSTITUTION TO ABOLISH THE BOARD OF PUBLIC EDUCATION." *Flynn*
 11 *Scott*
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: *Spokane*
 13 Section 1. (1) If separate issue A of section 3 *French*
 14 concerning abolishing the board of public education is *Love*
 15 approved by the electors, then: *Over*
 16 Article X, section 9, of the Montana constitution is *Benson*
 17 amended to read as follows: *Shelton*
 18 "Section 9. Boards of education. (1) There is a state
 19 board of education composed of the chairman of the board of
 20 regents of higher education, and the board of public
 21 education superintendent of public instruction, and the
 22 governor, who shall be an ex officio nonvoting member except
 23 in case of a disagreement between the other members. It is
 24 responsible for long-range planning, and for coordinating
 25 and evaluating policies and programs for the state's

1 educational systems. It shall submit unified budget
 2 requests. ~~A tie vote at any meeting may be broken by the~~
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 5 (2) (a) The government and control of the Montana
 6 university system is vested in a board of regents of higher
 7 education which shall have full power, responsibility, and
 8 authority to supervise, coordinate, manage and control the
 9 Montana university system and shall supervise and coordinate
 10 other public educational institutions assigned by law.
 11 (b) The board consists of seven members appointed by
 12 the governor, and confirmed by the senate, to overlapping
 13 terms, as provided by law. The governor and superintendent
 14 of public instruction are ex officio non-voting members of
 15 the board.
 16 (c) The board shall appoint a commissioner of higher
 17 education and prescribe his term and duties.
 18 (d) The funds and appropriations under the control of
 19 the board of regents are subject to the same audit
 20 provisions as are all other state funds.
 21 (3) (a) ~~There is a board of public education to~~ The
 22 superintendent of public instruction shall exercise general
 23 supervision over the public school system and such other
 24 public educational institutions as may be assigned by law.
 25 ~~Other duties of the board shall be provided by law.~~

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 4 ~~higher education and state superintendent of public~~
 5 ~~instruction shall be ex-officio non-voting members of the~~
 6 ~~board."~~

7 (2) If separate issue B of section 3 concerning
 8 abolishing the office of superintendent of public
 9 instruction is approved by the electors, then:

10 (a) Article VI, section 1, of the Montana constitution
 11 is amended to read as follows:

12 "Section 1. Officers: (1) The executive branch
 13 includes a governor, lieutenant governor, secretary of
 14 state, attorney general, ~~superintendent of public~~
 15 ~~instruction~~ and auditor.

16 (2) Each holds office for a term of four years which
 17 begins on the first Monday of January next succeeding
 18 election, and until a successor is elected and qualified.

19 (3) Each shall reside at the seat of government, there
 20 keep the public records of his office, and perform such
 21 other duties as are provided in this constitution and by
 22 law."

23 (b) Article VI, section 2, of the Montana constitution
 24 is amended to read as follows:

25 "Section 2. Election. (1) The governor, lieutenant

1 governor, secretary of state, attorney general,
 2 ~~superintendent of public instruction~~ and auditor shall be
 3 elected by the qualified electors at a general election
 4 provided by law.

5 (2) Each candidate for governor shall file jointly
 6 with a candidate for lieutenant governor in primary
 7 elections, or so otherwise comply with nomination procedures
 8 provided by law that the offices of governor and lieutenant
 9 governor are voted upon together in primary and general
 10 elections."

11 (c) Article VI, section 3, of the Montana constitution
 12 is amended to read as follows:

13 "Section 3. Qualifications. (1) No person shall be
 14 eligible to the office of governor, lieutenant governor,
 15 secretary of state, attorney general, ~~superintendent of~~
 16 ~~public instruction~~ or auditor unless he is 25 years of age
 17 or older at the time of his election. In addition, each
 18 shall be a citizen of the United States who has resided
 19 within the state two years next preceding his election.

20 (2) Any person with the foregoing qualifications is
 21 eligible to the office of attorney general if an attorney in
 22 good standing admitted to practice law in Montana who has
 23 engaged in the active practice thereof for at least five
 24 years before election.

25 ~~{3} The superintendent of public instruction shall~~

1 ~~have such educational qualifications as are provided by~~
2 ~~law.~~

3 (d) Article VI, section 4, of the Montana constitution
4 is amended to read as follows:

5 "Section 4. Duties. (1) The executive power is vested
6 in the governor who shall see that the laws are faithfully
7 executed. He shall have such other duties as are provided in
8 this constitution and by law.

9 (2) The lieutenant governor shall perform the duties
10 provided by law and those delegated to him by the governor.
11 No power specifically vested in the governor by this
12 constitution may be delegated to the lieutenant governor.

13 (3) The secretary of state shall maintain official
14 records of the executive branch and of the acts of the
15 legislature, as provided by law. He shall keep the great
16 seal of the state of Montana and perform any other duties
17 provided by law.

18 (4) The attorney general is the legal officer of the
19 state and shall have the duties and powers provided by law.

20 (5) ~~The superintendent of public instruction and the~~
21 ~~auditor shall have such duties as are provided by law."~~

22 (e) Article VI, section 6, of the Montana constitution
23 is amended to read as follows:

24 "Section 6. Vacancy in office. (1) If the office of
25 lieutenant governor becomes vacant by his succession to the

1 office of governor, or by his death, resignation, or
2 disability as determined by law, the governor shall appoint
3 a qualified person to serve in that office for the remainder
4 of the term. If both the elected governor and the elected
5 lieutenant governor become unable to serve in the office of
6 governor, succession to the respective offices shall be as
7 provided by law for the period until the next general
8 election. Then, a governor and lieutenant governor shall be
9 elected to fill the remainder of the original term.

10 (2) If the office of secretary of state, attorney
11 general, or auditor, ~~or superintendent of public instruction~~
12 becomes vacant by death, resignation, or disability as
13 determined by law, the governor shall appoint a qualified
14 person to serve in that office until the next general
15 election and until a successor is elected and qualified. The
16 person elected to fill a vacancy shall hold the office until
17 the expiration of the term for which his predecessor was
18 elected."

19 (f) Article VI, section 7, of the Montana constitution
20 is amended to read as follows:

21 "Section 7. ~~20~~ departments. All executive and
22 administrative offices, boards, bureaus, commissions,
23 agencies and instrumentalities of the executive branch
24 (except for the office of governor, lieutenant governor,
25 secretary of state, attorney general, ~~superintendent of~~

1 ~~public instruction~~ and auditor) and their respective
 2 functions, powers, and duties, shall be allocated by law
 3 among not more than 20 principal departments so as to
 4 provide an orderly arrangement in the administrative
 5 organization of state government. Temporary commissions may
 6 be established by law and need not be allocated within a
 7 department."

8 (g) Article X, section 4, of the Montana constitution
 9 is amended to read as follows:

10 "Section 4. Board of land commissioners. The governor,
 11 ~~superintendent of public instruction~~, auditor, secretary of
 12 state, and attorney general constitute the board of land
 13 commissioners. It has the authority to direct, control,
 14 lease, exchange, and sell school lands and lands which have
 15 been or may be granted for the support and benefit of the
 16 various state educational institutions, under such
 17 regulations and restrictions as may be provided by law."

18 (h) Article X, section 9, of the Montana constitution
 19 is amended to read as follows:

20 "Section 9. Boards of education. (1) There is a state
 21 board of education composed of the board of regents of
 22 higher education and the board of public education. It is
 23 responsible for long-range planning, and for coordinating
 24 and evaluating policies and programs for the state's
 25 educational systems. It shall submit unified budget

1 requests. A tie vote at any meeting may be broken by the
 2 governor, who is an ex officio member of each component
 3 board.

4 (2) (a) The government and control of the Montana
 5 university system is vested in a board of regents of higher
 6 education which shall have full power, responsibility, and
 7 authority to supervise, coordinate, manage and control the
 8 Montana university system and shall supervise and coordinate
 9 other public educational institutions assigned by law.

10 (b) The board consists of seven members appointed by
 11 the governor, and confirmed by the senate, to overlapping
 12 terms, as provided by law. The governor ~~and superintendent~~
 13 ~~of public instruction are~~ is an ex officio non-voting
 14 ~~members member~~ of the board.

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

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

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

25 (b) The board consists of seven members appointed by

1 the governor, and confirmed by the senate, to overlapping
2 terms as provided by law. The governor, and commissioner of
3 higher education ~~and state superintendent of public~~
4 ~~instruction~~ shall be ex officio non-voting members of the
5 boards."

6 Section 2. Effective date. If approved by the
7 electorate, the approved amendment shall be effective on the
8 first Monday of January, 1981.

9 Section 3. Submission to electors. These amendments
10 shall be submitted to the electors of the state of Montana
11 at the general election to be held November 7, 1978, by
12 printing on the ballot the title and the following:

13 (vote for one)

- 14 A. FOR abolishing the appointed board of public
15 education.
- 16 B. FOR abolishing the elected office of
17 superintendent of public instruction.
- 18 C. AGAINST both the above amendments and for
19 retaining the constitution in its present form.

-End-