

SB 354 INTRODUCED BY STIMATZ  
ABOLISH BOARD OF REGENTS AND REPLACE WITH ELECTED  
COMMISSIONER

2/17	INTRODUCED	
2/17	REFERRED TO STATE ADMINISTRATION	
2/19	HEARING	
2/19	COMMITTEE REPORT--BILL PASSED	
2/21	2ND READING PASS MOTION FAILED (PROPOSED CONSTITUTIONAL AMENDMENT; PROCEEDED TO 3RD READING)	23 24
2/23	3RD READING FAILED (PROPOSED CONSTITUTIONAL AMENDMENT; PROCEEDED TO OTHER HOUSE)	21 29
	TRANSMITTED TO HOUSE	
2/24	REFERRED TO STATE ADMINISTRATION	
3/13	HEARING	
3/13	COMMITTEE REPORT--BILL NOT PASSED	
3/14	ADVERSE COMMITTEE REPORT ADOPTED	
3/14	RETURNED TO SENATE NOT CONCURRED	71 24

1 Senate BILL NO. 354  
2 INTRODUCED BY Stimatz  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBMIT TO THE  
5 QUALIFIED ELECTORS OF MONTANA AMENDMENTS TO THE MONTANA  
6 CONSTITUTION ABOLISHING THE BOARD OF REGENTS OF HIGHER  
7 EDUCATION AND PROVIDING FOR THE STATEWIDE ELECTION OF A  
8 COMMISSIONER OF HIGHER EDUCATION; AMENDING ARTICLE VI,  
9 SECTIONS 1 THROUGH 4 AND 6, AND ARTICLE X, SECTION 9, OF THE  
10 MONTANA CONSTITUTION; AND PROVIDING AN EFFECTIVE DATE."  
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12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Article X, section 9, of The Constitution  
14 of the State of Montana is amended to read:

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

24 (2) (a) The ~~government--and-control~~ management of the  
25 Montana university system is vested in a ~~board-of-regents-of~~

1 higher--education--which--shall--have--full--power,  
2 responsibility,--and--authority--to--supervise,--coordinate,  
3 manage--and--control--the--Montana--university--system--and--shall  
4 supervise--and--coordinate--other--public--educational  
5 institutions--assigned--by--law the commissioner of higher  
6 education, as provided by law.

7 {b)--The--board--consists--of--seven--members--appointed--by  
8 the--governor,--and--confirmed--by--the--senate,--to--overlapping  
9 terms,--as--provided--by--law--The--governor--and--superintendent  
10 of--public--instruction--are--ex-officio--non-voting--members--of  
11 the--board-

12 {c)--The--board--shall--appoint--a--commissioner--of--higher  
13 education--and--prescribe--his--term--and--duties-

14 {d}{b) The funds and appropriations under the--control  
15 of--the--board--of--regents of the Montana university system are  
16 subject to the same audit provisions as are all other state  
17 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. Article VI, section 1, of The Constitution  
5 of the State of Montana is amended to read:

6 "Section 1. Officers. (1) The executive branch  
7 includes a governor, lieutenant governor, secretary of  
8 state, attorney general, commissioner of higher education,  
9 superintendent of public instruction, and auditor.

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

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

17 Section 3. Article VI, section 2, of The Constitution  
18 of the State of Montana is amended to read:

19 "Section 2. Election. (1) The governor, lieutenant  
20 governor, secretary of state, attorney general, commissioner  
21 of higher education, superintendent of public instruction,  
22 and auditor shall be elected by the qualified electors at a  
23 general election provided by law.

24 (2) Each candidate for governor shall file jointly  
25 with a candidate for lieutenant governor in primary

1 elections, or so otherwise comply with nomination procedures  
2 provided by law that the offices of governor and lieutenant  
3 governor are voted upon together in primary and general  
4 elections."

5 Section 4. Article VI, section 3, of The Constitution  
6 of the State of Montana is amended to read:

7 "Section 3. Qualifications. (1) No person shall be  
8 eligible to the office of governor, lieutenant governor,  
9 secretary of state, attorney general, commissioner of higher  
10 education, superintendent of public instruction, or auditor  
11 unless he is 25 years of age or older at the time of his  
12 election. In addition, each shall be a citizen of the United  
13 States who has resided within the state two years next  
14 preceding his election.

15 (2) Any person with the foregoing qualifications is  
16 eligible to the office of attorney general if an attorney in  
17 good standing admitted to practice law in Montana who has  
18 engaged in the active practice thereof for at least five  
19 years before election.

20 (3) The commissioner of higher education and the  
21 superintendent of public instruction shall have such  
22 educational qualifications as are provided by law except  
23 that a graduate degree in education or administration is not  
24 a requirement for the office of commissioner of higher  
25 education."

1 Section 5. Article VI, section 4, of The Constitution  
2 of the State of Montana is amended to read:

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

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

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

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

18 (5) The commissioner of higher education, the  
19 superintendent of public instruction, and the auditor shall  
20 have such duties as are provided by law."

21 Section 6. Article VI, section 6, of The Constitution  
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23 "Section 6. Vacancy in office. (1) If the office of  
24 lieutenant governor becomes vacant by his succession to the  
25 office of governor, or by his death, resignation, or

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

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

18 NEW SECTION. Section 7. Effective date. If approved  
19 by the electorate, this amendment is effective July 1, 1989.

20 NEW SECTION. Section 8. Submission to electorate.  
21 This amendment shall be submitted to the electors of Montana  
22 at the general election to be held November 8, 1988, by  
23 printing on the ballot the full title of this act and the  
24 following:

25  FOR amending the Constitution to abolish the board

1 of regents of higher education and provide for the  
2 statewide election of a commissioner of higher  
3 education to manage the Montana university system.

4  AGAINST amending the Constitution to abolish the  
5 board of regents of higher education and provide for  
6 the statewide election of a commissioner of higher  
7 education to manage the Montana university system.

-End-

CONSTITUTIONAL AMENDMENT  
APPROVED BY COMMITTEE  
ON STATE ADMINISTRATION

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2 INTRODUCED BY Stimuly

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

24 (2) (a) The ~~government and control management~~ of the  
25 Montana university system is vested in a ~~board of regents of~~

1 ~~higher education which shall have full power,~~  
2 ~~responsibility, and authority to supervise, coordinate,~~  
3 ~~manage and control the Montana university system and shall~~  
4 ~~supervise and coordinate other public educational~~  
5 ~~institutions assigned by law~~ the commissioner of higher  
6 education, as provided by law.

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

12 ~~(c) The board shall appoint a commissioner of higher~~  
13 ~~education and prescribe his term and duties.~~

14 ~~(d)(b) The funds and appropriations under the control~~  
15 ~~of the board of regents of the Montana university system are~~  
16 ~~subject to the same audit provisions as are all other state~~  
17 ~~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  
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10 (2) Each holds office for a term of four years which  
11 begins on the first Monday of January next succeeding  
12 election, and until a successor is elected and qualified.

13 (3) Each shall reside at the seat of government, there  
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THIRD READING  
SB 354

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