## HOUSE BILL 324

Introduced by Stovall, et al.

- 1/23 Introduced
- 1/23 Referred to Education & Cultural Resources
- 1/23 First Reading
- 2/01 Hearing
- 2/08 Committee Report--Bill Passed as Amended
- 2/12 2nd Reading Passed
- 2/15 3rd Reading Passed

Transmitted to Senate

- 2/20 First Reading
- 2/20 Referred to Education & Cultural Resources
- 3/05 Hearing
- 3/09 Tabled in Committee

### LC 1362/01 CONSTITUTIONAL AMENDMENT

HOUCE BILL NO. 324 1 INTRODUCED BY 2 3 A BILL FOR AN ACT ENTITLED: SUBMETTING 10 "AN ACT THE 4 5 OUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE X, SECTION 9, OF THE MONTANA CONSTITUTION TO PROHIBIT THE BOARD 6 OF REGENTS AND THE BOARD OF PUBLIC EDUCATION FROM OBLIGATING 7 THE EXPENDITURE OF PUBLIC FUNDS UNLESS THE ACTIONS BY THE 8 9 BOARDS ARE APPROVED AND FUNDED BY THE LEGISLATURE."

10

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

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

"Section 9. Boards of education. (1) There is a state 14 15 board of education composed of the board of regents of higher education and the board of public education. It is 16 responsible for long-range planning, and for coordinating 17 18 and evaluating policies and programs for the state's educational systems. It shall submit unified 19 budget requests. A tie vote at any meeting may be broken by the 20 governor, who is an ex officio member of each component 21 22 board.

(2) (a) The government and control of the Montana
university system is vested in a board of regents of higher
education which shall have full power, responsibility, and

authority to supervise, coordinate, manage and control the
 Montana university system and shall supervise and coordinate
 other public educational institutions assigned by law.

4 (b) The board consists of seven members appointed by 5 the governor, and confirmed by the senate, to overlapping 6 terms, as provided by law. The governor and superintendent 7 of public instruction are ex officio non-voting members of 8 the board.

9 (c) The board shall appoint a commissioner of higher 10 education and prescribe his the commissioner's term and 11 duties.

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

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

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

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## LC 1362/01

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1	(4) A board created under this section may not act in a
2	manner that obligates the expenditure of public funds unless
3	the board's actions are approved and funded by the
4	legislature."
5	NEW SECTION. Section 2. Submission to electorate. This
6	amendment shall be submitted to the qualified electors of
7	Montana at the general election to be held in November 1994
8	by printing on the ballot the full title of this act and the

### 9 following:

10	$\square$ FOR prohibiting educational boards from obligating
11	the expenditure of public funds unless the actions
12	by the boards are approved and funded by the
13	legislature.

14Image: AGAINST prohibiting educational boards from15obligating the expenditure of public funds unless16the actions by the boards are approved and funded by17the legislature.

-End-

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#### 53rd Legislature

#### HB 0324/02

#### CONSTITUTIONAL AMENDMENT

APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

#### HOUSE BILL NO. 324

2 INTRODUCED BY STOVALL, SIMPKINS, BRANDEWIE, KEATING, PECK,
 3 HOCKETT, DOLEZAL, ZOOK, WYATT, MCCAFFREE, ELLIS, HARP, GAGE,
 4 GROSFIELD, BARDANOUVE, SIMON, MOLNAR, WAGNER

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6 A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE 7 QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE X, 8 SECTION 9, OF THE MONTANA CONSTITUTION TO PROHIBIT THE BOARD 9 OP-REGENTS-AND-THE-BOARD OF PUBLIC EDUCATION FROM OBLIGATING 10 THE EXPENDITURE OF PUBLIC FUNDS UNLESS THE ACTIONS BY THE 11 BOARDS BOARD ARE APPROVED AND FUNDED BY THE LEGISLATURE."

12

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

14 Section 1. Article X, section 9, of The Constitution of 15 the State of Montana is amended to read:

16 "Section 9. Boards of education. (1) There is a state board of education composed of the board of regents of 17 higher education and the board of public education. It is 18 19 responsible for long-range planning, and for coordinating 20 and evaluating policies and programs for the state's educational systems. It shall submit unified budget 21 requests. A tie vote at any meeting may be broken by the 22 23 governor, who is an ex officio member of each component 24 board.

25 (2) (a) The government and control of the Montana

university system is vested in a board of regents of higher education which shall have full <u>FULL</u> power, responsibility, and authority to supervise, coordinate, manage and control the Montana university system and shall supervise and coordinate other public educational institutions assigned 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.

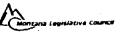
12 (c) The board shall appoint a commissioner of higher
13 education and prescribe his the commissioner's term and
14 duties.

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.

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

-2- HB 324 SECOND READING



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

4 <u>f47(C)</u> <u>A-board-created-under-this-section</u> THE BOARD may
5 <u>not act in a manner that obligates the expenditure of public</u>
6 <u>funds unless the board's actions are approved and funded by</u>
7 <u>the legislature.</u>"

8 <u>NEW SECTION.</u> Section 2. Submission to electorate. This 9 amendment shall be submitted to the qualified electors of 10 Montana at the general election to be held in November 1994 11 by printing on the ballot the full title of this act and the 12 following:

 13
 FOR prohibiting educational--boards THE BOARD OP

 14
 PUBLIC EDUCATION from obligating the--expenditure

 15
 EXPENDITURES of public funds unless the actions by

 16
 the boards BOARD are approved and funded by the

 17
 legislature.

 18
 AGAINST prohibiting educational-boards THE BOARD OF

 19
 PUBLIC EDUCATION from obligating the--expenditure

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 EXPENDITURES of public funds unless the actions by

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 the boards BOARD are approved and funded by the

 22
 legislature.

-End-

-3-

HB 324

#### 53rd Legislature

# HB 0324/02

CONSTITUTIONAL AMENDMENT

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1 university system is vested in a board of regents of higher 2 education which shall have full FULL power, responsibility, 3 and authority to supervise, coordinate, manage and control 4 the Montana university system and shall supervise and 5 coordinate other public educational institutions assigned by 6 law.

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

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

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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

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## THIRD READING

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

4 <u>(4)(C) A-board-created-under-this-section THE BOARD may</u>
5 not act in a manner that obligates the expenditure of public
6 <u>funds unless the board's actions are approved and funded by</u>
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-End-

-3-