

SENATE BILL NO. 81

INTRODUCED BY D. MCGEE

A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE X, SECTION 9, OF THE MONTANA CONSTITUTION REQUIRING ELECTION OF THE MEMBERS OF THE BOARD OF PUBLIC EDUCATION; AND PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

(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 and superintendent of public instruction are ex officio non-voting members of the board.

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

(d) The funds and appropriations under the control of the board of regents are subject to the same audit 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

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

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4 NEW SECTION. **Section 2. Effective date -- applicability.** If approved by the electorate, this
5 amendment is effective January 1, 2011, and applies to the election to be held in November 2011.

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7 NEW SECTION. **Section 3. Submission to electorate.** This amendment shall be submitted to the
8 qualified electors of Montana at the general election to be held in November 2010 by printing on the ballot the
9 full title of this act and the following:

10 ☐ FOR electing members of the board of public education.

11 ☐ AGAINST electing members of the board of public education.

12 - END -