

HOUSE BILL NO. 450

INTRODUCED BY J. KNOX

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE ELECTION OF THE BOARD OF PUBLIC EDUCATION; AMENDING SECTIONS 2-15-1507, 2-15-1508, 13-12-207, 20-2-101, 20-2-111, AND 20-2-113, MCA; CONTINGENTLY REPEALING SECTION 2-15-1598, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

Section 1. Section 2-15-1507, MCA, is amended to read:

"2-15-1507. Board of public education. The board of public education created in Article X, section ~~9~~, subsection ~~(3)~~ 9(3), of the Montana constitution consists of ~~seven~~ five members ~~appointed by the governor and confirmed by the senate~~ who must be elected by the qualified electors at a general election provided by law. The governor, superintendent of public instruction, and commissioner of higher education are ex officio nonvoting members of the board of public education."

Section 2. Section 2-15-1508, MCA, is amended to read:

"2-15-1508. ~~Appointments~~ Appointment to board of public education and board of regents -- conditions -- vacancy. (1) ~~Appointments to the board of public education and to the board of regents are subject to the following qualifications:~~

(a) Not more than four may be from one district provided for in 5-1-102.

(b) Not more than four may be affiliated with the same political party.

(c) The terms of members appointed to ~~each~~ the board are 7 years, except as provided in subsection (3).

(d) When a vacancy occurs, the governor shall appoint a member for the remainder of the term of the incumbent, and the appointment must preserve the balance required by subsections (1)(a) and (1)(b).

~~———(e) A person may not be appointed to concurrent memberships on the board of public education and the board of regents.~~

(2) An appointed member of ~~either~~ the board shall take and subscribe to the constitutional oath of office

1 and file it with the secretary of state before the person may serve as a member of ~~either the~~ the board.

2 (3) (a) One seat of the appointed members on the board of regents is reserved for membership by a
3 student appointed by the governor. The student must be registered as a full-time student at a unit of higher
4 education under jurisdiction of the board of regents. The length of term of the student member is 1 year. The term
5 begins July 1 and ends June 30. The student regent may be reappointed to succeeding terms subject to
6 subsection (3)(b). The provisions of subsections (1)(a) and (1)(b) do not apply to the student member and may
7 not affect the balance of the remaining appointive membership on the board of regents.

8 (b) The governor shall appoint the student provided for in subsection (3)(a) based upon a nomination
9 provided by a student organization designated by the board of regents. The student organization shall nominate
10 no fewer than three qualified students. If the governor finds that none of the students nominated are acceptable,
11 the governor may request a new slate of nominees. Nominations must be forwarded to the governor in March
12 immediately preceding the end of a regular term, and the governor shall make the appointment before the end
13 of the succeeding June. In the event of a vacancy, a replacement must be appointed as soon as is practicable
14 and in the same manner as the original appointment."
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16 **NEW SECTION. Section 3. Election of board of public education -- conditions -- vacancy.** (1)
17 Election of the members of the board of public education is subject to the following qualifications:

- 18 (a) One member must be elected from each district provided for in 69-1-104.
19 (b) The candidates for the board must be qualified electors of the district from which they are elected.
20 (c) The terms of members appointed to the board are 6 years.
21 (d) When a vacancy occurs, the governor shall appoint a member for the remainder of the term of the
22 incumbent, and the appointment must preserve the balance required by subsections (1)(a) and (1)(b).

23 (2) An elected member of the board of public education shall take and subscribe to the constitutional oath
24 of office and file it with the secretary of state before the person may serve as a member of the board.
25

26 **Section 4.** Section 13-12-207, MCA, is amended to read:

27 **"13-12-207. Order of placement.** (1) The order on the ballot for state and federal offices must be as
28 follows:

- 29 (a) If the election is in a year in which a president of the United States is to be elected, in spaces
30 separated from the balance of the party tickets by a heavy black line must be the names and spaces for voting

1 for candidates for president and vice president. The names of candidates for president and vice president for
2 each political party must be grouped together.

- 3 (b) United States senator;
- 4 (c) United States representative;
- 5 (d) governor and lieutenant governor;
- 6 (e) secretary of state;
- 7 (f) attorney general;
- 8 (g) state auditor;
- 9 (h) state superintendent of public instruction;
- 10 (i) public service commissioners;
- 11 (j) clerk of the supreme court;
- 12 (k) chief justice of the supreme court;
- 13 (l) justices of the supreme court;
- 14 (m) district court judges;
- 15 (n) state senators;
- 16 (o) members of the house of representatives;
- 17 (p) members of the board of public education.

18 (2) The following order of placement must be observed for county offices:

- 19 (a) clerk of the district court;
- 20 (b) county commissioner;
- 21 (c) county clerk and recorder;
- 22 (d) sheriff;
- 23 (e) coroner;
- 24 (f) county attorney;
- 25 (g) county superintendent of schools;
- 26 (h) county auditor;
- 27 (i) public administrator;
- 28 (j) county assessor;
- 29 (k) county treasurer;
- 30 (l) surveyor;

1 (m) justice of the peace.

2 (3) The secretary of state shall designate the order for placement on the ballot of any offices not on the
3 above lists, except that the election administrator shall designate the order of placement for municipal, charter,
4 or consolidated local government offices and district offices when the district is part of only one county.

5 (4) Constitutional amendments must be placed before statewide referendum and initiative measures.
6 Ballot issues for a county, municipality, school district, or other political subdivision must follow statewide
7 measures in the order designated by the election administrator.

8 (5) If any offices are not to be elected they may not be listed, but the order of the offices to be filled must
9 be maintained.

10 (6) If there is a short-term and a long-term election for the same office, the long-term office must precede
11 the short-term."

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13 **Section 5.** Section 20-2-101, MCA, is amended to read:

14 **"20-2-101. Combined boards as state board -- budget review -- officers -- meetings -- quorum.** (1)

15 The board of public education and the board of regents meeting together as the state board of education ~~shall~~
16 ~~be~~ are responsible for long-range planning and for coordinating and evaluating policies and programs for the
17 public educational systems of the state. The state board of education shall review and unify the budget requests
18 of educational entities assigned by law to the board of public education, the board of regents, or the state board
19 of education and shall submit a unified budget request with recommendations to the appropriate state agency.

20 (2) The governor is the president of, the superintendent of public instruction is the secretary to, and the
21 commissioner ~~shall be~~ is a nonvoting participant at all meetings of the state board of education.

22 (3) The state board of education may select a member to chair its meetings in the absence of the
23 governor.

24 (4) A tie vote at any meeting may be broken by the governor.

25 (5) A majority of members appointed or elected to the board of public education and the board of regents
26 ~~shall~~ constitute a quorum for transaction of business as the state board of education.

27 (6) The board of public education and the board of regents shall meet at least twice yearly as the state
28 board of education.

29 (7) Other meetings of the state board of education may be called by the governor, by both the secretary
30 to the board of public education and the secretary to the board of regents, or by joint action of eight appointed

1 or elected members, four each from the board of public education and the board of regents. All meetings of the
 2 state board of education ~~shall~~ must be for the purposes set forth in subsection (1) ~~above~~ or for the purpose of
 3 considering other matters of common concern to the board of public education and the board of regents, but the
 4 state board of education may not exercise the powers and duties assigned by the ~~1972~~ Montana constitution and
 5 by law to the board of public education and the board of regents."

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7 **Section 6.** Section 20-2-111, MCA, is amended to read:

8 **"20-2-111. Officers of boards -- quorum.** (1) The board of public education and the board of regents
 9 may each select a presiding officer from among their appointed or elected members.

10 (2) The executive secretary shall serve as secretary to the board of public education, and the
 11 commissioner of higher education serves as secretary to the board of regents.

12 (3) A majority of the appointed or elected members of each board constitutes a quorum for the
 13 transaction of business.

14 (4) The executive secretary shall serve as a liaison between the board of public education and the
 15 superintendent of public instruction and shall carry out other duties as assigned by the board of public education."

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17 **Section 7.** Section 20-2-113, MCA, is amended to read:

18 **"20-2-113. Per diem of board members -- expenses.** Appointed or elected members of the board of
 19 public education and the board of regents ~~shall~~ must be compensated and receive travel expenses as provided
 20 for in 2-15-124 for each day in attendance at board meetings or in the performance of any duty or service as a
 21 board member."

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23 NEW SECTION. **Section 8. Codification instruction.** [Section 3] is intended to be codified as an
 24 integral part of Title 2, chapter 15, part 15, and the provisions of Title 2, chapter 15, part 15, apply to [section 3].

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26 NEW SECTION. **Section 9. Effective date -- contingency.** If LC 0973 is approved by the qualified
 27 electors of Montana at the general election to be held in November 2012, [this act] is effective January 1, 2013.

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29 NEW SECTION. **Section 10. Contingent voidness.** If LC 0973 is not passed and approved or is not
 30 approved by the qualified electors of Montana at the general election to be held in November 2012, then [this act]

1 is void.

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3 NEW SECTION. **Section 11. Coordination -- contingent repealer.** If LC 0973 and LC 0975 are both
4 passed and approved and approved by the qualified electors of Montana at the general election to be held in
5 November 2012, then 2-15-1508, MCA, is repealed.

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