

## HOUSE BILL NO. 451

INTRODUCED BY J. KNOX

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE ELECTION OF THE BOARD OF REGENTS;  
5 PROVIDING FOR THE APPOINTMENT OF THE STUDENT REPRESENTATIVE OF THE BOARD OF  
6 REGENTS; AMENDING SECTIONS 2-15-1505, 2-15-1508, 13-12-207, 20-2-101, 20-2-111, AND 20-2-113, MCA;  
7 CONTINGENTLY REPEALING SECTION 2-15-1508, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

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11 **Section 1.** Section 2-15-1505, MCA, is amended to read:  
12 **"2-15-1505. Board of regents of higher education.** The board of regents of higher education created  
13 in Article X, section ~~9~~, ~~subsection (2)~~ 9(2), of the Montana constitution consists of ~~seven~~ six members ~~appointed~~  
14 ~~by the governor and confirmed by the senate.~~ Five members must be elected by the qualified electors at a general  
15 election provided by law, and a student member must be appointed by the governor. The governor,  
16 superintendent of public instruction, and commissioner of higher education are ex officio nonvoting members of  
17 the board of regents."

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19 **Section 2.** Section 2-15-1508, MCA, is amended to read:  
20 **"2-15-1508. ~~Appointments~~ Appointment to board of public education and board of regents --**  
21 **conditions -- vacancy.** (1) Appointments to the board of public education ~~and to the board of regents~~ are subject  
22 to the following qualifications:

23 (a) Not more than four may be from one district provided for in 5-1-102.  
24 (b) Not more than four may be affiliated with the same political party.  
25 (c) The terms of members appointed to ~~each~~ the board are 7 years ~~except as provided in subsection (3).~~  
26 (d) When a vacancy occurs, the governor shall appoint a member for the remainder of the term of the  
27 incumbent, and the appointment must preserve the balance required by subsections (1)(a) and (1)(b).  
28 ~~———(e) A person may not be appointed to concurrent memberships on the board of public education and the~~  
29 ~~board of regents.~~

30 (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 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 the board of regents -- conditions -- vacancy -- student**

17 **member.** (1) Election of the members of the board of regents is subject to the following qualifications:

- 18 (a) One member must be elected from each of the districts 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 except as provided in subsection (3).  
 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 regents shall take and subscribe to the constitutional oath of office  
 24 and file it with the secretary of state before the person may serve as a member of the board.

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

1 (b) The governor shall appoint the student provided for in subsection (3)(a) based upon a nomination  
2 provided by a student organization designated by the board of regents. The student organization shall nominate  
3 no fewer than three qualified students. If the governor finds that none of the students nominated are acceptable,  
4 the governor may request a new slate of nominees. Nominations must be forwarded to the governor in March  
5 immediately preceding the end of a regular term, and the governor shall make the appointment before the end  
6 of the succeeding June. In the event of a vacancy, a replacement must be appointed as soon as is practicable  
7 and in the same manner as the original appointment."

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

10 **"13-12-207. Order of placement.** (1) The order on the ballot for state and federal offices must be as  
11 follows:

12 (a) If the election is in a year in which a president of the United States is to be elected, in spaces  
13 separated from the balance of the party tickets by a heavy black line must be the names and spaces for voting  
14 for candidates for president and vice president. The names of candidates for president and vice president for  
15 each political party must be grouped together.

16 (b) United States senator;

17 (c) United States representative;

18 (d) governor and lieutenant governor;

19 (e) secretary of state;

20 (f) attorney general;

21 (g) state auditor;

22 (h) state superintendent of public instruction;

23 (i) public service commissioners;

24 (j) clerk of the supreme court;

25 (k) chief justice of the supreme court;

26 (l) justices of the supreme court;

27 (m) district court judges;

28 (n) state senators;

29 (o) members of the house of representatives;

30 (p) members of the board of regents.

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

- 2 (a) clerk of the district court;  
 3 (b) county commissioner;  
 4 (c) county clerk and recorder;  
 5 (d) sheriff;  
 6 (e) coroner;  
 7 (f) county attorney;  
 8 (g) county superintendent of schools;  
 9 (h) county auditor;  
 10 (i) public administrator;  
 11 (j) county assessor;  
 12 (k) county treasurer;  
 13 (l) surveyor;  
 14 (m) justice of the peace.

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

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

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

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

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

27 **"20-2-101. Combined boards as state board -- budget review -- officers -- meetings -- quorum.** (1)

28 The board of public education and the board of regents meeting together as the state board of education ~~shall~~  
 29 ~~be~~ are responsible for long-range planning and for coordinating and evaluating policies and programs for the  
 30 public educational systems of the state. The state board of education shall review and unify the budget requests

1 of educational entities assigned by law to the board of public education, the board of regents, or the state board  
2 of education and shall submit a unified budget request with recommendations to the appropriate state agency.

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

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

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

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

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

12 (7) Other meetings of the state board of education may be called by the governor, by both the secretary  
13 to the board of public education and the secretary to the board of regents, or by joint action of eight appointed  
14 or elected members, four each from the board of public education and the board of regents. All meetings of the  
15 state board of education ~~shall~~ must be for the purposes set forth in subsection (1) ~~above~~ or for the purpose of  
16 considering other matters of common concern to the board of public education and the board of regents, but the  
17 state board of education may not exercise the powers and duties assigned by the ~~1972~~ Montana constitution and  
18 by law to the board of public education and the board of regents."

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

21 **"20-2-111. Officers of boards -- quorum.** (1) The board of public education and the board of regents  
22 may each select a presiding officer from among their appointed or elected members.

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

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

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

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

