

1                    SENATE BILL NO. 17  
 2 INTRODUCED BY BLAYLOCK  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL  
 5 REVISION AND CLARIFICATION OF LAWS RELATING TO EDUCATION."  
 6  
 7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 8        Section 1. Section 75-5607, R.C.M. 1947, is amended to  
 9 read as follows:  
 10        "75-5607. Board of public education -- Powers powers  
 11 and duties. The board of public education shall ~~have--the~~  
 12 ~~power-and-it-shall-be-its-duty-to:~~  
 13        (1) effect an orderly and uniform system of ~~for~~  
 14 teacher certification and for the issuance of an emergency  
 15 authorization of employment by adopting the policies  
 16 prescribed by ~~sections~~ 75-6002 and 75-6011;  
 17        (2) consider the suspension or revocation of teacher  
 18 certificates and appeals from the denial of teacher  
 19 certification in accordance with the provisions of ~~section~~  
 20 75-6010;  
 21        (3) administer and order the distribution of state  
 22 equalization aid in accordance with the provisions of  
 23 ~~section~~ 75-6917;  
 24        (4) adopt and enforce policies to provide uniform  
 25 standards and regulations for the design, construction, and

1 operation of school buses in accordance with the provisions  
 2 of ~~section~~ 75-7004;  
 3        (5) approve or disapprove a reduction of the number of  
 4 hours in a district's school day in accordance with the  
 5 provisions of ~~section~~ 75-7403;  
 6        (6) adopt policies prescribing the conditions when  
 7 school may be conducted on Saturdays and the types of  
 8 pupil-instruction-related days and approval procedure for  
 9 such days in accordance with the provisions of ~~sections~~  
 10 75-7404 and 75-7405;  
 11        (7) adopt standards of accreditation and establish the  
 12 accreditation status of every school in accordance with the  
 13 provisions of ~~sections~~ 75-7501 and 75-7502;  
 14        ~~{8}--establish-the-scope-of-conservation--education--in~~  
 15 ~~the--schools--in--accordance--with--the--provisions--of--section~~  
 16 ~~75-7509;~~  
 17        ~~{9}{18}~~ approve or disapprove educational media  
 18 selected by the superintendent of public instruction for the  
 19 educational media library in accordance with the provisions  
 20 of ~~section~~ 75-7511;  
 21        ~~{10}{19}~~ as the governing board of the state of Montana  
 22 for vocational education, adopt the policies prescribed by  
 23 and in accordance with the provisions of ~~section~~ 75-7702;  
 24        ~~{11}{19}~~ consider applications for ~~post-secondary~~  
 25 ~~postsecondary~~ vocational-technical center designation in

1 accordance with the provisions of section 75-7707;

2 ~~{12}{11}~~ for the purposes of post-secondary

3 ~~postsecondary~~ vocational-technical centers, approve or

4 disapprove programs and budgets, direct the distribution of

5 moneys in support of such budgets, determine tuition rates

6 and fees, and enter into lease agreements or real property

7 purchases in accordance with the post-secondary

8 ~~postsecondary~~ vocational-technical center provisions of the

9 vocational education chapter of this ~~title~~ title;

10 ~~{13}{12}~~ adopt policies for the conduct of special

11 education in accordance with the provisions of section

12 75-7802;

13 ~~{14}~~ supervise ~~community college districts~~ in

14 accordance with the provisions of sections 75-8103 and

15 75-8119;

16 ~~{15}~~ call an election, determine the results of the

17 election, order and implement the organization of a community

18 college district in accordance with the community college

19 districts chapter of this ~~title~~ title; and

20 ~~{16}{13}~~ perform any other duty prescribed from time to

21 time by this ~~title~~ title or any other act of the

22 legislature."

23 Section 2. There is a new R.C.M. section numbered

24 75-5607.1 that reads as follows:

25 75-5607.1. Regents to supervise community college

1 districts. The board of regents of higher education shall:

2 (1) supervise community college districts in

3 accordance with the provisions of 75-8103 and 75-8119; and

4 (2) call an election, determine the results of the

5 election, and order and implement the organization of a

6 community college district in accordance with the community

7 college districts chapter of this title.

8 Section 3. Section 75-5707, R.C.M. 1947, is amended to

9 read as follows:

10 "75-5707. Powers ~~and duties~~ Supervision of schools.

11 The superintendent of public instruction ~~shall have~~ has the

12 general supervision of the public schools and districts of

13 the state, and he ~~shall have the power and~~ shall perform

14 the following duties or acts in implementing and enforcing

15 the provisions of this ~~title~~ title:

16 (1) resolve any controversy resulting from the

17 proration of joint costs by a joint board of trustees under

18 the provisions of section 75-5929;

19 (2) issue, renew, or deny teacher certification and

20 emergency authorizations of employment and give notice of

21 teacher certification suspension or revocation proceedings

22 to be conducted by the board of public education in

23 accordance with the provisions of the teacher certification

24 chapter of this ~~title~~ title;

25 (3) negotiate reciprocal tuition agreements with other

1 states in accordance with the provisions of section 75-6318;  
 2 (4) pay the tuition for the residents of the Montana  
 3 children's center at Twin Bridges high school in accordance  
 4 with the provisions of section 75-6319;  
 5 (5) serve on the teachers' retirement board in  
 6 accordance with the provisions of ~~section 75-6203~~ 82A-212;  
 7 (6) prescribe absentee voting forms and rules in  
 8 accordance with the provisions of section 75-6416;  
 9 (7) approve or disapprove the orders of a high school  
 10 boundary commission in accordance with the provisions of  
 11 section 75-6528;  
 12 (8) approve or disapprove the opening or reopening of  
 13 a school in accordance with the provisions of sections  
 14 75-6602, 75-6603, 75-6604, or 75-6605;  
 15 (9) approve or disapprove school isolation within the  
 16 limitations prescribed by section 75-6608;  
 17 (10) generally supervise the school budgeting  
 18 procedures prescribed by law in accordance with the  
 19 provisions of section 75-6702 and prescribe the school  
 20 budget format in accordance with the provisions of section  
 21 75-6704 and 75-7209;  
 22 (11) establish a system of communication for  
 23 calculating joint district revenues in accordance with the  
 24 provisions of section 75-6721;  
 25 (12) approve or disapprove the adoption of a district's

1 emergency budget resolution under the conditions prescribed  
 2 in section 75-6725 and publish rules ~~and regulations~~ for an  
 3 application for additional state aid for an emergency budget  
 4 in accordance with the approval and disbursement provisions  
 5 of section 75-6729;  
 6 (13) generally supervise the school financial  
 7 administration provisions as prescribed by section 75-6802;  
 8 (14) appoint the responsible county officials for the  
 9 performance of the budgeting duties and the financial  
 10 administration duties for a joint district in accordance  
 11 with the provisions of sections 75-6720 and 75-6803;  
 12 (15) prescribe and furnish the annual report forms to  
 13 enable the districts to report to the county superintendent  
 14 in accordance with the provisions of ~~subsection (5) of~~  
 15 ~~section 75-6806(5)~~ and the annual report forms to enable  
 16 the county superintendents to report to the superintendent  
 17 of public instruction in accordance with the provisions of  
 18 section 75-5809;  
 19 (16) approve, disapprove, or adjust an increase of the  
 20 average number belonging (ANB) in accordance with the  
 21 provisions of sections 75-6903 and 75-6904;  
 22 (17) distribute state equalization aid in support of  
 23 the foundation program in accordance with the provisions of  
 24 sections 75-6908, 75-6918, and 75-6919;  
 25 (18) estimate the ~~state-wide~~ statewide equalization

1 level for the foundation program in accordance with the  
2 provisions of section 75-6920;

3 (19) distribute state impact aid in accordance with the  
4 provisions of section 75-6925;

5 (20) provide for the uniform and equal provision of  
6 transportation by performing the duties prescribed by the  
7 provisions of section 75-7005;

8 (21) approve or disapprove an adult education program  
9 for which a district proposes to levy a tax in accordance  
10 with the provisions of section 75-7207;

11 (22) request, accept, deposit, and expend federal  
12 moneys in accordance with the provisions of section 75-7303;

13 (23) authorize the use of federal moneys for the  
14 support of an interlocal co-operative cooperative agreement  
15 in accordance with the provisions of sections 75-7306 and  
16 75-7307;

17 (24) prescribe the form and contents of and approve or  
18 disapprove interstate contracts in accordance with the  
19 provisions of section 75-7308;

20 (25) approve or disapprove the conduct of school on a  
21 Saturday or on pupil-instruction-related days in accordance  
22 with the provisions of sections 75-7404 and 75-7405;

23 (26) recommend standards of accreditation for all  
24 schools to the board of public education, and evaluate  
25 compliance with such standards and recommend accreditation

1 status of every school to the board of public education in  
2 accordance with the provisions of sections 75-7501 and  
3 75-7502;

4 (27) collect and maintain a file of curriculum guides  
5 and assist schools with instructional programs in accordance  
6 with the provisions of sections 75-7505 and 75-7506;

7 ~~(28) recommend the scope of conservation education in~~  
8 ~~the schools to the board of education in accordance with the~~  
9 ~~provisions of section 75-7509;~~

10 ~~(29)~~(28) establish and maintain a library of visual,  
11 aural, and other educational media in accordance with the  
12 provisions of section 75-7511;

13 ~~(30)~~(29) license textbook dealers, maintain a textbook  
14 library, initiate prosecution of textbook dealers violating  
15 the law, and supply a textbook listing in accordance with  
16 the provisions of the textbooks chapter of this title;

17 ~~(31)~~(30) administer and perform the duties as the  
18 executive officer of the board of public education for  
19 vocational education in accordance with the provisions of  
20 section 75-7703;

21 ~~(32)~~(31) consider applications for the designation of a  
22 post-secondary postsecondary vocational-technical center in  
23 accordance with the provisions of section 75-7707;

24 ~~(33)~~(32) establish a fund for the handling of  
25 post-secondary postsecondary vocational-technical center

1 fees in accordance with the provisions of section 75-7714;  
 2 ~~(34)~~(33) supervise and co-ordinate ~~coordinate~~ the  
 3 conduct of special education in the state in accordance with  
 4 the provisions of section 75-7803;

5 ~~(35)~~(34) administer the traffic education program in  
 6 accordance with the provisions of section 75-7904;

7 ~~(36)~~(35) administer the school food services program in  
 8 accordance with the provisions of sections 75-8002, 75-8003,  
 9 and 75-8004;

10 ~~(37)-determine-the-result-of-an-organization--election~~  
 11 ~~for-a-community-college-district-and-the-related-election-of~~  
 12 ~~trustees--in--accordance--with--the--provisions--of--section~~  
 13 ~~75-8112;~~

14 ~~(38)~~(35) review school building plans and  
 15 specifications in accordance with the provisions of section  
 16 75-8206;

17 ~~(39)~~(37) publish and distribute fire danger books in  
 18 accordance with the provisions of section 75-8309;

19 ~~(40)~~(33) prescribe the method of identification and  
 20 signals to be used by school safety patrols in accordance  
 21 with the provisions of section 75-8310; and

22 ~~(41)~~(39) perform any other duty prescribed from time to  
 23 time by this ~~title title~~, any other act of the legislature,  
 24 or the policies of the board of public education."

25 Section 4. Section 75-5805, R.C.M. 1947, is amended to

1 read as follows:

2 "75-5805. County superintendent -- Powers ~~powers~~ and  
 3 duties. The county superintendent ~~shall have~~ has general  
 4 supervision of the schools of the county within the  
 5 limitations prescribed by this ~~title title~~ and shall perform  
 6 the following duties or acts:

7 (1) determine, establish, and ~~re-establish~~ reestablish  
 8 trustee nominating districts, and fill additional trustee  
 9 position vacancies in accordance with the provisions of  
 10 sections 75-5903, 75-5904, and 75-5905;

11 (2) administer and file the oaths of members of the  
 12 boards of trustees of the districts in his county in  
 13 accordance with the provisions of section 75-5916;

14 (3) fill by appointment any trustee position vacancies  
 15 when required under the provisions of section 75-5918;

16 (4) register the teacher certificate or emergency  
 17 authorization of employment of any person employed in the  
 18 county as a teacher, principal, or district superintendent  
 19 in accordance with the provisions of section 75-6106;

20 (5) act on each tuition application submitted to him  
 21 in accordance with the provisions of sections 75-6313,  
 22 75-6314, 75-6315, and 75-6316, and transmit the tuition  
 23 information required by section 75-6317;

24 (6) file a copy of the audit report for a district or  
 25 ~~or school's--extracurricular--fund~~ in accordance with the

1 provisions of sections 75-6807 or 75-6323;  
 2 (7) classify districts in accordance with the  
 3 provisions of section 75-6503;  
 4 (8) keep a transcript and reconcile the district  
 5 boundaries of the county in accordance with the provisions  
 6 of section 75-6504;  
 7 (9) fulfill all responsibilities assigned to him under  
 8 the provisions of this ~~title~~ title regulating the  
 9 organization, alteration, or abandonment of districts;  
 10 (10) act on any unification proposition and, if  
 11 approved, establish additional trustee nominating districts  
 12 in accordance with sections 75-6538 and 75-6539;  
 13 (11) estimate the average number belonging (ANB) of an  
 14 opening school in accordance with the provisions of sections  
 15 75-6602, 75-6603, 75-6604, or 75-6606;  
 16 (12) process and, when required, act on school  
 17 isolation applications in accordance with the provisions of  
 18 section 75-6608;  
 19 (13) complete the budgets, compute the budgeted  
 20 revenues and tax levies, give notices of the budget  
 21 meetings, file final and emergency budgets, and fulfill such  
 22 other responsibilities assigned to him under the provisions  
 23 of this ~~title~~ title regulating school budgeting systems;  
 24 (14) submit an annual financial report to the  
 25 superintendent of public instruction in accordance with the

1 provisions of section 75-6804;  
 2 (15) quarterly, unless otherwise provided by law, order  
 3 the county treasurer to apportion state moneys, county  
 4 school moneys, and any other school moneys subject to  
 5 apportionment in accordance with the provisions of ~~75-6805,~~  
 6 sections 75-6909, 75-6914, 75-6919, 75-6921, 75-7022, or  
 7 75-7023, ~~or 75-6805~~;  
 8 (16) act on any request to transfer average number  
 9 belonging (ANB) in accordance with the provisions of  
 10 subsection (3) of section 75-6903;  
 11 (17) calculate the estimated, budgeted general fund  
 12 sources of revenue in accordance with the provisions of  
 13 section 75-6911 and 75-6920, and the other general fund  
 14 revenue provisions of the general fund chapter of this ~~title~~  
 15 title;  
 16 (18) compute the revenues and the district and county  
 17 levy requirements for each fund included on each district's  
 18 final budget, and report such computations to the board of  
 19 county commissioners in accordance with the provisions of  
 20 the general fund, transportation, bonds, and other school  
 21 funds chapters of this ~~title~~ title;  
 22 (19) file and forward bus driver certifications,  
 23 transportation contracts, and state transportation  
 24 reimbursement claims in accordance with the provisions of  
 25 sections 75-7003, 75-7020, or 75-7022;

1 (20) for districts which do not employ a district  
2 superintendent or principal, recommend library book and  
3 textbook selections in accordance with the provisions of  
4 sections 75-7519 or 75-7603;

5 (21) notify the superintendent of public instruction of  
6 a textbook dealer's activities when required under the  
7 provisions of section 75-7607, and otherwise comply with the  
8 textbook dealer provisions of this ~~title~~ title;

9 (22) act on district requests to allocate federal  
10 moneys for indigent children for school food services in  
11 accordance with the provisions of section 75-8006; and

12 (23) perform any other duty prescribed from time to  
13 time by this ~~title~~ title, any other act of the legislature,  
14 the policies of the board of public education, or the rules  
15 and ~~regulations~~ of the superintendent of public  
16 instruction."

17 Section 5. Section 75-5918, R.C.M. 1947, is amended to  
18 read as follows:

19 "75-5918. Filling vacated trustee position, appointee  
20 qualification, and term of office. (1) Whenever a trustee  
21 position becomes vacant in any district except a ~~third-class~~  
22 third-class district, the remaining members of the trustees  
23 shall declare such position vacant and they shall appoint,  
24 in writing, a competent person as a successor. The trustees  
25 shall notify the appointee and the county superintendent of

1 such appointment.

2 (2) Whenever a trustee position becomes vacant in a  
3 ~~third-class~~ third-class district, the remaining members of  
4 the trustees shall declare such position vacant and notify  
5 the county superintendent of the vacancy. The county  
6 superintendent shall appoint, in writing, a competent person  
7 as a successor and notify such person of his appointment.

8 (3) Any person who has been appointed to a trustee  
9 position shall qualify by completing and filing an oath of  
10 office with the county superintendent within ~~in--not--less~~  
11 ~~than--fifteen~~ (15) days after receiving notice of his  
12 appointment. Failure to file the oath of office shall  
13 constitute a continuation of the trustee position vacancy  
14 which shall be filled under the provisions of this section.

15 (4) Any person assuming a trustee position under the  
16 provisions of this section shall serve until the next  
17 regular school election and his successor has qualified."

18 Section 6. Section 75-5932, R.C.M. 1947, is amended to  
19 read as follows:

20 "75-5932. General powers and duties and record of  
21 acts. (1) The trustees of each district shall ~~have-the-power~~  
22 ~~and-it-shall-be-its-duty-to~~ prescribe and enforce policies  
23 for the government of the district. In order to provide a  
24 comprehensive system of governing the district, the trustees  
25 shall:

1       ~~(1)(a)~~ adopt the policies required by this title; and  
 2       ~~(2)(b)~~ adopt policies to implement or administer the  
 3 requirements of the general law, this ~~title~~ title, the  
 4 policies of the board of public education, or ~~and~~ the rules  
 5 ~~and regulations~~ of the superintendent of public instruction.  
 6       (2) The trustees shall keep a full and permanent  
 7 record of all adopted policies and all other acts of the  
 8 trustees. Minutes of each regular and special board  
 9 meeting shall include wording of motions, voting records of  
 10 each trustee present, and all other pertinent information,  
 11 including a detailed statement of all expenditures of money,  
 12 with the name of any person or business to whom payment is  
 13 made, and showing the service rendered or goods furnished. A  
 14 written copy of the minutes shall be made available within  
 15 ~~five~~ ~~(5)~~ working days following the approval of the minutes  
 16 by the board, at a cost of no more than ~~fifteen~~ 15 cents  
 17 ~~(\$15)--per~~ a page to be paid by those who request such a  
 18 copy. One free copy of the minutes shall be provided to the  
 19 local press within ~~five~~ ~~(5)~~ working days following the  
 20 approval of the minutes by the board. The board shall  
 21 approve the minutes of each special and regular meeting no  
 22 later than ~~one~~ ~~(1)~~ month following the meeting. If a board  
 23 does not regularly meet on a monthly basis, a meeting of the  
 24 trustees shall be called no later than ~~one~~ ~~(1)~~ month  
 25 following each regular meeting for the purpose of approving

1 the minutes of the previous meeting."

2       Section 7. Section 75-5935, R.C.M. 1947, is amended to  
 3 read as follows:

4       "75-5935. Clerk of the District. As provided in  
 5 ~~section~~ 75-5927, the trustees shall employ and appoint a  
 6 clerk of the district. ~~it shall be the duty of the~~ ing clerk  
 7 of the district to shall attend all meetings of the trustees  
 8 to keep an accurate and permanent record of all the  
 9 proceedings of each meeting. If the clerk is not present at  
 10 a meeting, the trustees shall have one of ~~its~~ their members  
 11 or a district employee act as clerk for ~~such~~ the meeting,  
 12 and such person shall supply the clerk with a certified copy  
 13 of the proceedings. The clerk of the district also shall be  
 14 the custodian of all documents, records, and reports of the  
 15 trustees. Unless the trustees provide otherwise, the clerk  
 16 shall:

17       (1) keep an accurate and detailed accounting record of  
 18 all receipts and expenditures of the district in accordance  
 19 with the financial administration provisions of this ~~title~~  
 20 title; and

21       (2) prepare the annual trustees' report required under  
 22 the provisions of subsection (5) of ~~section~~ 75-6806; ~~and~~

23       ~~(3)--make--an--annual--census--of--all--the--children--of--the~~  
 24 ~~district--in--accordance--with--sections--75--5936--and--75--5937."~~

25       Section 8. Section 75-6304, R.C.M. 1947, is amended to



1 read as follows:

2 "75-6304. Compulsory attendance and excuses. Any  
3 parent, guardian, or other person who is responsible for the  
4 care of any child who is seven (7) years of age or older  
5 prior to the first day of school in any school fiscal year,  
6 but has not yet reached his sixteenth (16th) birthday, or-of-a  
7 child--who and has not completed the work of the eighth  
8 grade, shall cause the child to attend the school in which  
9 he is enrolled for the school term and each school day  
10 therein prescribed by the trustees of the district unless:

11 (1) the child has been excused under one of the  
12 conditions specified in section 75-6303;

13 (2) the child is absent because of illness,  
14 bereavement, or other reason prescribed by the policies of  
15 the trustees; or

16 (3) the child has been suspended or expelled under the  
17 provisions of section 75-6311."

18 Section 9. Section 75-6313, R.C.M. 1947, is amended to  
19 read as follows:

20 "75-6313. Elementary tuition with mandatory approval.  
21 (1) Any child may be enrolled in and attend an elementary  
22 school outside of the elementary district in which he  
23 resides when such elementary school is located:

24 (1)(a) in any other district of the county of his  
25 residence;

1 (2)(b) in a county adjoining his county of residence;

2 or

3 (3)(c) in a district of another state that is adjacent  
4 to the county of his residence.

5 (2) When a parent or guardian of a child wishes to  
6 have his child attend a school under the provisions of this  
7 section, he shall apply to the county superintendent of the  
8 county of his residence before the first day of July 1 of  
9 the school fiscal year for which he seeks approval except in  
10 those cases when substantial changes in circumstances  
11 occurred subsequently to justify later application. Such the  
12 application shall be made on a tuition agreement form  
13 supplied by the county superintendent and shall be approved  
14 before permission to enroll in and attend school outside of  
15 the district under the provisions of this section may be  
16 granted. or:

17 (1)(a) the trustees of the elementary district in  
18 which the child resides;

19 (2)(b) the trustees of the district where the child  
20 wishes to attend school; and

21 (3)(c) the county superintendent of the child's  
22 residence before permission to enroll in and attend a  
23 school outside of the district under the provisions of this  
24 section shall be granted.

25 (3) In considering the approval of a tuition

1 application, the tuition approval agents prescribed in this  
2 section shall approve such application for a resident child  
3 when:

4 ~~(1)(a)~~ the child resides less than three (3) miles  
5 from the school which he wishes to attend and more than  
6 three (3) miles from any school of his resident elementary  
7 district;

8 ~~(2)(b)~~ the child resides more than three (3) miles  
9 from any school of his resident elementary district and such  
10 district does not provide transportation under the  
11 provisions of this ~~title title~~;

12 ~~(3)(c)~~ the child resides more than three (3) miles  
13 from any school of his resident elementary district, and the  
14 resident district does not provide transportation under the  
15 provisions of this ~~title title~~, and school bus  
16 transportation is furnished by the district operating the  
17 school which he wishes to attend;

18 ~~(4)(d)~~ the child is a member of a family who must send  
19 another child outside of the elementary district to attend  
20 high school and the child of elementary age may more  
21 conveniently attend an elementary school where the high  
22 school is located, provided ~~such the~~ child resides more  
23 than three (3) miles from an elementary school of the  
24 resident district or the parent must move to the elementary  
25 district where the high school is located in order to enroll

1 the other child in high school; or

2 ~~(5)(e)~~ the child has been declared by a district court  
3 of competent jurisdiction to be an abused, neglected, or  
4 dependent ~~---dependent---and-neglected~~ child, as defined in  
5 section ~~---10-501 10-1301, RvCvMv---1947,~~ or a juvenile  
6 delinquent child ~~youth~~, as defined in ~~10-1203,~~ section  
7 ~~10-602, RvCvMv-1947,~~ and such child has been ordered to be  
8 placed in a duly licensed child care institution which is  
9 also approved by the state department of ~~social and~~  
10 ~~rehabilitation services public-welfare,~~ and as a result of  
11 the order the child is required to attend elementary school  
12 outside of the district of his residence. For purposes of  
13 this subsection the prescribed geographic relationship of  
14 the receiving district to the district of residence ~~shall~~  
15 ~~does~~ not apply.

16 ~~(4)~~ The trustees of the district where the school to  
17 be attended is located ~~shall--have--the-authority-to may~~  
18 disapprove a tuition agreement that satisfies any of the  
19 mandatory approval conditions specified in subsections  
20 ~~(1)(3)(a), (2)(3)(b), (3)(3)(c), (4)(3)(d), or (5)(3)(a)~~  
21 above when they ~~shall~~ find that due to insufficient room and  
22 overcrowding the accreditation of the school would be  
23 adversely affected by the acceptance of the child. In the  
24 event of disapproval, the trustees shall so notify the  
25 parent in writing within ~~fifteen (15)~~ days of the first

1 receipt of the application."

2 Section 10. Section 75-6410, R.C.M. 1947, is amended  
3 to read as follows:

4 "75-6410. Qualifications of elector. ~~Every (1) Except~~  
5 ~~as provided in subsection (2), each~~ person is entitled to  
6 vote at school elections if he has all of the following  
7 qualifications:

8 ~~(1)(a)~~ He has registered to vote with the county  
9 registrar as a resident in the school district in which he  
10 resides and proposes to vote in the manner provided by the  
11 general state election laws except in regard to the closure  
12 of elector registration as provided in ~~section 75-6413.~~

13 ~~(2)(b)~~ He is ~~eighteen (18)~~ years of age or older.

14 ~~(3)(c)~~ He has been a resident of Montana for at least  
15 ~~thirty (30)~~ days. ~~and~~

16 ~~(4)(d)~~ He is a citizen of the United States.

17 ~~(2)~~ No person convicted of a felony has the right to  
18 vote while he is serving a sentence in a penal institution.

19 ~~(3)~~ No person adjudicated to be mentally incompetent  
20 ~~of-unsound-mind~~ has the right to vote unless he has been  
21 restored to capacity as provided by law."

22 Section 11. Section 75-6412, R.C.M. 1947, is amended  
23 to read as follows:

24 "75-6412. Elector challenges. ~~(1)~~ An elector may  
25 challenge the qualifications of another elector under the

1 provisions of ~~section 23-3015~~. Any person offering to vote  
2 in a school election may be challenged by any elector of the  
3 district on any of the grounds for challenge established in  
4 ~~section 23-3611, R.C.M. 1947~~. ~~Such the~~ challenge shall be  
5 determined in the same manner, using the same oath as  
6 provided in chapter 36 of Title 23, ~~R.C.M. 1947~~.

7 ~~(2)~~ Any person who ~~shall--have~~ has been challenged  
8 under any of the provisions of this section and who ~~shall~~  
9 ~~swear swears~~ or ~~affirm affirms~~ falsely before any school  
10 election judge ~~shall--be~~ is guilty of perjury ~~false swearing~~  
11 and ~~shall--be-punished-accordingly~~ is punishable as provided  
12 in 94-7-203."

13 Section 12. Section 75-6523, R.C.M. 1947, is amended  
14 to read as follows:

15 "75-6523. ~~Counter-proposed Counterproposed~~ high school  
16 district boundaries by electors and election. ~~(1)~~ Whenever  
17 a high school boundary commission issues an order to change  
18 high school district boundary lines, ~~twenty-per-cent (20%)~~  
19 or more of the electors of any elementary district with  
20 territory affected by the high school boundary change who  
21 are qualified to vote under ~~the--provisions--of--section~~  
22 75-6410 may protest the boundaries established by the order  
23 of the commission within ~~thirty-(30)~~ 30 days after the date  
24 of ~~the~~ such order. ~~Such the~~ protest shall be in the form of  
25 a petition addressed to the county superintendent and ~~it~~

1 shall provide a ~~counter-proposition~~ counterproposition to  
 2 the new high school boundaries established by the order of  
 3 the commission for the disposition of the territory of the  
 4 elementary district for high school districting purposes.  
 5 The provisions of this section shall not be used in  
 6 elementary districts that have approved high school  
 7 boundaries under ~~the-provisions-of-section~~ 75-6522.

8 ~~(2)~~ When the county superintendent receives a valid  
 9 petition from an elementary district, he shall, within ~~ten~~  
 10 ~~(10)~~ days after the receipt of such ~~the~~ petition, and ~~as~~  
 11 ~~provided-by-section-75-6423,~~ order the trustees of such ~~the~~  
 12 elementary district to call an election to consider the high  
 13 school boundary ~~counter--proposition~~ counterproposition  
 14 described in ~~the~~ such petition. The trustees shall call and  
 15 conduct the election in the manner prescribed in this ~~title~~  
 16 title for school elections. An elector who may vote on the  
 17 proposition shall be qualified to vote under ~~the--provisions~~  
 18 ~~of--section~~ 75-6410. If a majority of the electors voting at  
 19 the election approve the ~~counter-proposition~~  
 20 counterproposition, the high school boundaries described by  
 21 the ~~counter-proposition~~ counterproposition shall be  
 22 approved, and the order of the high school boundary  
 23 commission shall be amended to establish such high school  
 24 boundaries. If a majority of the electors voting at such ~~the~~  
 25 election disapprove the ~~counter-proposition~~

1 ~~counterproposition~~, the order of the high school boundary  
 2 commission shall be confirmed and shall be final."

3 Section 13. Section 75-6606, R.C.M. 1947, is amended  
 4 to read as follows:

5 "75-6606. Budgeting and cost-sharing when junior high  
 6 school operated by elementary district and high school  
 7 district operating a county high school. ~~(1)~~ Whenever the  
 8 opening of a junior high school is approved for the ensuing  
 9 school fiscal year under ~~the-provisions-of-section~~ 75-6605,  
 10 the county superintendent shall estimate the average number  
 11 belonging (ANB) after investigating the probable enrollment  
 12 for the junior high school. The ANB determined by the county  
 13 superintendent and the ANB actually realized in subsequent  
 14 school fiscal years shall be applied under ~~the-provisions-of~~  
 15 ~~subsection--(10)--of--section~~ 75-6905 to prorate the  
 16 maximum-general-fund-budget-without-a-voted-levy between the  
 17 elementary and high school districts. Each district shall  
 18 adopt its general fund budget on the basis of such ~~the~~  
 19 prorated amount and shall finance its proportionate share of  
 20 the cost of operating the junior high school.

21 ~~(2)~~ The cost of operating the junior high school shall  
 22 be prorated between the elementary district and the high  
 23 school district on the basis of the ratio that the number of  
 24 pupils of their district is to the total enrollment of the  
 25 junior high school."

1 Section 14. Section 75-6701, R.C.M. 1947, is amended  
2 to read as follows:

3 "75-6701. Application of budget system for districts.  
4 The school budgeting procedure and provisions of this ~~title~~  
5 ~~title shall~~ apply to elementary and high school and  
6 ~~community--college~~ districts, and to all funds requiring the  
7 adoption of a budget. Each district shall separately propose  
8 and adopt a budget in accordance with the requirements of  
9 this ~~title~~ title."

10 Section 15. Section 75-6802, R.C.M. 1947, is amended  
11 to read as follows:

12 "75-6802. Application of law and superintendent of  
13 public instruction supervision. The school financial  
14 administration provisions of this ~~title~~ title shall apply to  
15 all moneys of any elementary or high school district or ~~any~~  
16 ~~community---college---~~district, ~~excepting~~ except the  
17 ~~extra-curricular~~ extracurricular moneys realized from pupil  
18 activities. The superintendent of public instruction ~~shall~~  
19 ~~has have~~ general supervision supervisory authority over the  
20 school financial administration provisions as prescribed by  
21 law and shall ~~have-the-duty--to~~ establish such rules and  
22 ~~regulations~~ as are necessary to secure compliance with the  
23 law."

24 Section 16. Section 75-6807, R.C.M. 1947, is amended  
25 to read as follows:

1 "75-6807. Examination of district accounting records.  
2 ~~(1)~~ The accounting records of all districts ~~first--and~~  
3 ~~second-class---district---and---each---third-class--district~~  
4 ~~maintaining-a-high-school~~ shall be audited annually by the  
5 department of community affairs state-examiner in accordance  
6 with ~~§2-4516~~ section-82-1000, R.C.M. 1947.

7 ~~(2)~~ Annually and at such other times as directed by  
8 the board of county commissioners or trustees, the county  
9 auditor, or the county treasurer if there is no county  
10 auditor, shall audit the accounting records of each  
11 third-class district that does not maintain a high school.  
12 Such district shall deliver all accounting records to the  
13 auditing county official no later than ~~the-fifteenth-day-of~~  
14 July 15 for the audit of the financial activity of the last  
15 completed school fiscal year. The auditing county official  
16 shall examine the accounting records, prepare an audit  
17 report, and shall:

18 ~~(1)(a)~~ return the accounting records to the district  
19 no later than ~~the-fifteenth-day-of~~ August 15;

20 ~~(2)(b)~~ send a copy of the audit report to the chairman  
21 of the trustees; and

22 ~~(3)(c)~~ file copies of the audit report with the county  
23 superintendent and the county clerk and recorder."

24 Section 17. Section 75-6808, R.C.M. 1947, is amended  
25 to read as follows:

1       "75-6808. Pecuniary interests, letting contracts, and  
 2 calling for bids, under certain circumstances. (1) It shall  
 3 be ~~is~~ unlawful for any trustee to:  
 4       (1) have any pecuniary interest, either directly or  
 5 indirectly, in any contract for the erection of any school  
 6 building, or for warming, ventilating, furnishing, or  
 7 repairing the same; or  
 8       (2) be in any manner connected with the furnishing  
 9 of supplies for the maintenance and operation of the  
 10 schools; or  
 11       (3) be employed in any capacity by the school  
 12 district of which he is trustee.  
 13       (2) Whenever the estimated cost of any building,  
 14 furnishing, repairing, or other work for the benefit of the  
 15 district or purchasing of supplies for the district, exceeds  
 16 the sum of ~~four-thousand-dollars (\$4,000.00)~~, the work done  
 17 or the purchase made shall be by contract. Each such  
 18 contract must be let to the lowest responsible bidder after  
 19 advertisement for bids. Such advertisement shall be  
 20 published in the newspaper which will give notice to the  
 21 largest number of people of the district as determined by  
 22 the trustees. Such advertisement shall be made once each  
 23 week for ~~two~~ 2 consecutive weeks and the second publication  
 24 shall be made not less than ~~five~~ (5) days nor ~~or~~ more than  
 25 ~~twelve~~ (12) days before consideration of bids. ~~Any A~~

1 contract not let pursuant to this section shall be void.  
 2       (3) ~~In all cases where~~ whenever bidding is required,  
 3 the trustees shall award the contract to the lowest  
 4 responsible bidder, except that the trustees ~~shall have the~~  
 5 right to may reject any or all bids.  
 6       (4) With regard to contracting for work or supplies,  
 7 the board of trustees of a community college district ~~are~~  
 8 shall be subject to the provisions of section 75-8118."  
 9       Section 18. Section 75-6914, R.C.M. 1947, is amended  
 10 to read as follows:  
 11       "75-6914. Apportionment of county equalization moneys  
 12 by county superintendent. The county superintendent shall  
 13 separately apportion the revenues deposited in the basic  
 14 county tax account and the revenues deposited in the basic  
 15 special tax for high schools account to the several  
 16 districts of the county on a quarterly basis. ~~The~~ Such  
 17 apportionments shall be known as "county equalization  
 18 moneys". Before the county superintendent makes the  
 19 quarterly apportionments, he shall:  
 20       (1) deduct from the revenues available in the basic  
 21 county tax account, the amount required for the quarter to  
 22 pay the county's obligation for elementary transportation  
 23 reimbursements; and  
 24       (2) deduct from the revenues available in the basic  
 25 special tax for high schools account, the amount required

1 from ~~for~~ the quarter to pay the county's obligation for high  
2 school out-of-county tuition."

3 Section 19. Section 75-7016, R.C.M. 1947, is amended  
4 to read as follows:

5 "75-7016. Determining residence. When the residence of  
6 an eligible transportee is a matter of controversy and is an  
7 issue before a board of trustees, a county transportation  
8 committee, or the superintendent of public instruction, ~~the~~  
9 ~~such~~ residence shall be established on the basis of the  
10 general state residence law as provided in ~~section~~ 83-303  
11 ~~R.C.M. 1947. Where~~ ~~whenever~~ any district or county is  
12 determined to be responsible for paying tuition for any  
13 pupil in accordance with ~~sections~~ 75-6313, 75-6314, and ~~or~~  
14 75-6316, the residence of the pupil for tuition purposes  
15 ~~shall--be~~ ~~is~~ the residence of ~~such~~ ~~the~~ pupil for  
16 transportation purposes."

17 Section 20. Section 75-7017, R.C.M. 1947, is amended  
18 to read as follows:

19 "75-7017. Determination of mileage distances. When the  
20 mileage ~~district~~ ~~distance~~ that transportation services are  
21 to be provided is a matter of controversy and is an issue  
22 before a board of trustees, a county transportation  
23 committee, or the superintendent of public instruction, ~~such~~  
24 ~~the~~ mileage shall be established on the following basis:

25 (1) The distance in mileage shall be measured by a

1 vehicle equipped with an accurate odometer~~s~~.

2 (2) A representative of the applicable district and a  
3 parent or guardian of the child to be transported shall be  
4 present when the distance is measured~~s~~.

5 (3) The measurement shall begin ~~six~~ ~~{6}~~ yards from the  
6 family home and ~~ends~~ ~~and~~ ~~six~~ ~~{6}~~ yards from the entrance of  
7 the school grounds closest to the route~~s~~ ~~and~~.

8 (4) The route traversed for the measurement shall be  
9 the route designated by the trustees, except that ~~such~~ ~~the~~  
10 route shall be reasonably passable during the entire school  
11 fiscal year by the vehicle that provides the child's  
12 transportation. In determining reasonable passage, a route  
13 ~~shall~~ ~~may~~ not be disqualified because it is impassable  
14 during temporary, extreme weather conditions such as rains,  
15 snow, or floods."

16 Section 21. Section 75-7018, R.C.M. 1947, is amended  
17 to read as follows:

18 "75-7018. Schedule of maximum reimbursement by bus  
19 mileage rates. ~~(1)~~ The following bus mileage rates for  
20 school bus transportation constitute the maximum  
21 reimbursement to districts for school bus transportation  
22 from state and county sources of transportation revenue  
23 under the provisions of ~~sections~~ 75-7022 and 75-7023. These  
24 rates shall not limit the amount which a district may budget  
25 in its transportation fund budget in order to provide for

1 the estimated and necessary cost of school bus  
2 transportation during the ensuing school fiscal year. ~~Any~~  
3 ~~vehicle, the operation of which is the operation of any~~  
4 ~~vehicle~~ reimbursed under the rate provisions of this  
5 schedule, shall be a school bus, as defined by this ~~title~~  
6 ~~title~~, driven by a qualified driver on a bus route approved  
7 by the county transportation committee and the  
8 superintendent of public instruction.

9 ~~(1)(2)~~ The rate per bus mile traveled shall be  
10 determined in accordance with the following schedule when  
11 the number of eligible transportees boarding such school bus  
12 on an approved route is not less than ~~seventy-five-per-cent~~  
13 ~~(75%)~~ of its rated capacity:

14 (a) ~~thirty-five 35 cents (\$35)~~ per bus mile for a  
15 school bus with a rated capacity of not less than ~~twelve~~  
16 ~~(12)~~ but not more than ~~fifty (50)~~ children; and

17 (b) when the rated capacity is more than ~~fifty (50)~~  
18 children, an additional ~~two 2 cents (\$02)~~ per bus mile for  
19 each additional child in the rated capacity in excess of  
20 ~~fifty (50)~~ shall be added to a base rate of ~~35 thirty-five~~  
21 ~~cents (\$35)~~ per bus mile.

22 ~~(2)(3)~~ When the number of eligible transportees  
23 boarding a school bus on an approved route is less than  
24 ~~seventy-five-per-cent (75%)~~ of its rated capacity, the rate  
25 per bus mile traveled shall be computed as follows:

1 (a) determine the number of eligible transportees  
2 boarding the school bus on such route;

3 (b) multiply the number determined in subsection ~~(2)~~  
4 ~~(3)(a)~~ by ~~twenty-five-per-cent (25%)~~ and round-off to the  
5 nearest whole number;

6 (c) add the amount calculated in subsection ~~(2)(3)(b)~~  
7 to the number determined in subsection ~~(2)(3)(a)~~ to  
8 determine the adjusted rated capacity for the bus; and

9 (d) use the adjusted rated capacity determined in  
10 subsection ~~(2)(3)(c)~~ as the rated capacity of such bus to  
11 determine the rate per bus mile traveled from the rate  
12 schedule in subsection ~~(1)(2)~~ above.

13 ~~(4)~~ The rated capacity shall be the number of riding  
14 positions of a school bus as determined under the policy  
15 adopted by the board of public education."

16 Section 22. Section 75-7119, R.C.M. 1947, is amended  
17 to read as follows:

18 "75-7119. Notice of sale of school district bonds. The  
19 trustees shall cause the notice of the sale of the bonds to  
20 be given. The notice shall state the purpose for which the  
21 bonds are to be issued and the amount proposed to be issued,  
22 and shall be substantially in the following form:

23 NOTICE OF SALE OF SCHOOL DISTRICT BONDS

24 Notice is hereby given by the trustees of School  
25 District No. .... of .... County, state of Montana, that the



1 said trustees will on the .... day of ....., 19... at the  
 2 hour of .... o'clock ..... at ....., in the said school  
 3 district, sell to the highest and best bidder for cash,  
 4 either amortization or serial bonds of the said school  
 5 district in the total amount of .... dollars (\$....), for  
 6 the purpose of .....

7 Amortization bonds will be the first choice and serial  
 8 bonds will be the second choice of the trustees.

9 If amortization bonds are sold and issued, the entire  
 10 issue may be put into one single bond or divided into  
 11 several bonds, as the trustees may determine upon at the  
 12 time of sale, both principal and interest to be payable in  
 13 semiannual installments during a period of .... years from  
 14 the date of issue.

15 If serial bonds are issued and sold they will be in the  
 16 amount of .... dollars (\$....) each, ~~{xxxx-dollars--(\$xxxx)}~~  
 17 the sum of .... dollars (\$....) of the said serial bonds  
 18 will become payable on the .... day of ....., 19... and the  
 19 sum of .... dollars (\$....) will become payable on the same  
 20 day each year thereafter until all of such the bonds are  
 21 paid.

22 The bonds, whether amortization or serial bonds, will  
 23 bear date of ....., 19..., and will bear interest at a rate  
 24 not exceeding seven--per--cent {7%} per annum, payable  
 25 semiannually, on the .... day of .... (month) and ....

1 (month) in each year, and will be redeemable in full. (Here  
 2 insert optional provisions, if any, to be recited on the  
 3 bonds.)

4 The bonds will be sold for not less than their par  
 5 value with accrued interest, and all bidders must state the  
 6 lowest rate of interest at which they will purchase the  
 7 bonds at par. Such the bonds shall be sold in open  
 8 competition bidding, by written bids, or by sealed bids. The  
 9 trustees reserve the right to reject any and all bids and to  
 10 sell the said bonds at private sale.

11 All bids other than by or on behalf of the state board  
 12 of land commissioners must be accompanied by money, a  
 13 certified check, cashier's check, bank money order, or bank  
 14 draft, drawn and issued by a national banking association  
 15 located in Montana or by any banking corporation  
 16 incorporated under the laws of Montana, in the sum of ....  
 17 dollars (\$....) payable to the order of the district, which  
 18 will be forfeited by the successful bidder in the event that  
 19 he shall refuse to purchase the bonds.

20 All bids should be addressed to the undersigned  
 21 district.

22  
 23  
 24  
 25  
 .....  
 Chairman, School District No. ....  
 of .... County  
 Address: .....

1 ATTEST: Subscribed and sworn to before me this .... day of  
 2 ....., 19... .... Notary Public for the State Residing at  
 3 ....., Montana. My Commission expires ....."

4 Section 23. Section 75-7309, R.C.M. 1947, is amended  
 5 to read as follows:

6 "75-7309. Gifts, legacies, devises, and administration  
 7 of endowment fund. (1) The trustees of any district may  
 8 ~~shall have the authority and the power to~~ accept gifts,  
 9 legacies, and devises, subject to the conditions imposed by  
 10 the deed of the donor, or the will of the testator or  
 11 without any conditions imposed. Unless otherwise specified  
 12 by the donor, deviser, or testator, when a district receives  
 13 a gift, legacy, or devise, the trustees shall deposit such  
 14 gift, legacy, devise, or the proceeds therefrom in an  
 15 endowment fund. The trustees shall administer the endowment  
 16 fund so as to preserve the principal from loss, and only the  
 17 income from ~~such the~~ fund shall be appropriated for any  
 18 purpose.

19 (2) Unless the conditions of the endowment instrument  
 20 require an immediate disbursement of ~~such the~~ money, the  
 21 money deposited in the endowment fund shall be invested by  
 22 the trustees, notwithstanding the provisions of any other  
 23 state law, in:

24 ~~(1)(a)~~ school district bonds of the district;  
 25 ~~(2)(b)~~ bonds of other school districts within the

1 state;

2 ~~(3)(c)~~ first mortgage bonds, debentures, notes, and  
 3 other evidences of indebtedness ~~issued issues~~, assumed, or  
 4 guaranteed by any solvent and operating public utility  
 5 corporation existing under the laws of the United States of  
 6 America or any state thereof which bonds, debentures, notes,  
 7 and other evidences of indebtedness are, at the time of such  
 8 investment, within the three ~~(3)~~ highest quality grades for  
 9 the rating of such bonds, debentures, notes, and other  
 10 evidences of indebtedness by any nationally recognized  
 11 investment rating agency;

12 ~~(4)(d)~~ certificates of deposit of either Montana banks  
 13 insured by the ~~Federal-Deposit-Insurance-Corporation~~ federal  
 14 deposit insurance corporation; or

15 ~~(5)(e)~~ direct obligations of the United States  
 16 government.

17 (3) All interest collected on ~~such the~~ deposits or  
 18 investments shall be credited to the endowment fund. No  
 19 portion of the endowment fund ~~shall may~~ be loaned to the  
 20 district nor ~~shall may~~ any money of ~~such the~~ fund be  
 21 invested in warrants of the district.

22 (4) Whenever any district has been abandoned, the  
 23 endowment fund of ~~such the~~ abandoned district shall be  
 24 transferred and placed in the endowment fund in the district  
 25 to which the territory is attached.

1        (5) As the custodian of the endowment fund, the county  
 2 treasurer ~~shall be~~ is liable on his official bond for the  
 3 endowment fund of any district of the county. No later than  
 4 ~~the first day of July 1~~ of each school fiscal year, the  
 5 county treasurer shall account to the trustees of each  
 6 district on the condition of its endowment fund including  
 7 the status of the investments that have been made with the  
 8 money of the fund. The county treasurer shall also include  
 9 the endowment fund in his reports to the board of county  
 10 commissioners.

11        (6) The trustees of any district having an endowment  
 12 fund shall provide suitable memorials for all persons or  
 13 associations of persons making gifts to the district which  
 14 become a part of the endowment fund."

15        Section 24. Section 75-7607, R.C.M. 1947, is amended  
 16 to read as follows:

17        "75-7607. Notification and processing of complaint  
 18 against a licensed textbook dealer. ~~(1) It shall be the~~  
 19 ~~duty of any~~ A district or county superintendent to ~~shall~~  
 20 notify the superintendent of public instruction whenever it  
 21 is ascertained that a licensed textbook dealer is:

22        ~~(1) offering to supply textbooks without a license as~~  
 23 ~~prescribed in section 75-7605~~

24        ~~(2)(a)~~ offering to sell textbooks at a higher price  
 25 than the listed uniform sales price filed with the

1 superintendent of public instruction;

2        ~~(3)(b)~~ offering to sell textbooks at a higher shipping  
 3 point price than the shipping point price of the same  
 4 textbooks distributed elsewhere in the United States; or

5        ~~(4)(c)~~ in any other way performing contrary to the  
 6 laws regulating the offering of textbooks for sale or  
 7 adoption to districts.

8        (2) Upon receipt of such notification from the  
 9 district or county superintendent, the superintendent of  
 10 public instruction shall notify the appropriate licensed  
 11 textbook dealer of the complaint. ~~Once~~ If the superintendent  
 12 of public instruction ~~has--found~~ finds that the licensed  
 13 textbook dealer has violated any provision of this section  
 14 and ~~he~~ the dealer fails to rectify his error within thirty  
 15 ~~(30)~~ days of the notification of the finding of a violation,  
 16 he shall forfeit his surety bond. The attorney general, upon  
 17 written request of the superintendent of public instruction,  
 18 shall proceed to collect by legal action the full amount of  
 19 the surety bond. Any amount so recovered shall be paid into  
 20 the state public school equalization aid account."

21        Section 25. Section 75-7709, R.C.M. 1947, is amended  
 22 to read as follows:

23        "75-7709. Sources of financing for ~~post-secondary~~  
 24 ~~postsecondary~~ vocational-technical center budgets -- board  
 25 of public education administration. (1) The total of the

1 budgets approved by the board of public education together  
 2 with the budget for the cost of state administration of the  
 3 ~~post-secondary~~ ~~postsecondary~~ vocational-technical centers  
 4 shall constitute the total maximum approved ~~state-wide~~  
 5 ~~statewide~~ budget which shall be financed as follows:

6 ~~(1)(a)~~ The primary source of financing is to be those  
 7 funds specifically designated by legislative enactment or  
 8 referendum by the people for financing ~~post-secondary~~  
 9 ~~postsecondary~~ vocational-technical education in Montana.

10 ~~(2)(b)~~ The board of county commissioners of each  
 11 county in which a designated ~~post-secondary~~ ~~postsecondary~~  
 12 vocational-technical center is located is hereby authorized  
 13 to levy a tax of not to exceed ~~one (1) mill~~ on the dollar of  
 14 all taxable property, real and personal, within the county  
 15 for the support and maintenance of the ~~post-secondary~~  
 16 ~~postsecondary~~ vocational-technical center located within the  
 17 said county.

18 ~~(3)(c)~~ Designated ~~post-secondary~~ ~~postsecondary~~  
 19 vocational-technical centers shall be eligible to receive  
 20 such funds from the federal government as the board of  
 21 public education may provide pursuant to applicable Acts of  
 22 Congress ~~acts of congress~~.

23 ~~(4)(d)~~ The board of trustees of any designated high  
 24 school district or county high school district where a  
 25 ~~post-secondary~~ ~~postsecondary~~ ~~vocational-technical~~ ~~vocational-technical~~

1 center is located may be required, as a condition for the  
 2 construction in such ~~that~~ district of a ~~post-secondary~~  
 3 ~~postsecondary~~ ~~vocational-technical~~ ~~vocational-technical~~ center, or any  
 4 part thereof, to furnish up to ~~fifty-percent (50%)~~ of the  
 5 amount of funds required for any such construction. The  
 6 percentage of construction funds to be furnished by such ~~the~~  
 7 designated district shall be derived, in whole or in part,  
 8 from any of the following sources:

9 ~~(1)(i)~~ ~~The~~ ~~the~~ sale of bonds issued by such ~~that~~  
 10 district. ~~Such~~ ~~(such~~ bonds shall be issued in conformity  
 11 with the requirements of chapter 71 of ~~title~~ ~~title~~ 75 in the  
 12 case of high school and county high school district. ~~i~~

13 ~~(1)(ii)~~ ~~Any~~ ~~any~~ other funds available to such ~~that~~  
 14 district which may be legally and properly applied toward  
 15 such construction. ~~i~~

16 ~~(1)(iii)~~ ~~The~~ ~~the~~ reasonable value of land, buildings,  
 17 fixtures, or equipment furnished by such ~~that~~ district,  
 18 subject to the approval of the board of public education.

19 ~~(5)(e)~~ If the aggregate financing provided by sources  
 20 of revenue in ~~(1)(a)~~, ~~(2)(b)~~, and ~~(3)(c)~~ of ~~this~~  
 21 ~~section~~ does not provide ~~one-hundred-per-cent (100%)~~  
 22 financing of the maximum approved ~~state-wide~~ ~~statewide~~  
 23 budget, the remaining deficiency shall be financed from any  
 24 state funds appropriated by the legislature for  
 25 ~~post-secondary~~ ~~postsecondary~~ vocational-technical education.

1       (2) The board of public education shall direct the  
2 distribution of the funds specified in subsections ~~(1)~~  
3 ~~(1)(a)~~, ~~(3)(1)(c)~~, and ~~(5)(1)(e)~~ of this section on the  
4 basis of the budgets approved by the board of public  
5 education. The funds earned by the mill levy specified in  
6 subsection ~~(2)(1)(b)~~ of this section shall be credited by  
7 the county treasurer to the ~~post-secondary~~ postsecondary  
8 vocational-technical center fund.

9       (3) The board of public education shall determine the  
10 amount of financing available from these five sources of  
11 revenue and may approve budgets for maintenance and  
12 operation, construction, and ancillary services. The  
13 aggregate amount of the budgets so approved by the board of  
14 public education for ~~post-secondary~~ postsecondary  
15 vocational-technical centers shall not exceed the moneys  
16 determined to be available."

17       Section 26. Section 75-7801, R.C.M. 1947, is amended  
18 to read as follows:

19       "75-7801. Definitions. As used in this ~~title~~ title,  
20 unless the context clearly indicates otherwise, ~~the~~  
21 following definitions apply:

22       (1) "Special education" means the kind of instruction  
23 requiring special facilities or programs for mentally  
24 retarded or physically handicapped children or for  
25 educationally handicapped persons.

1       (2) A "mentally retarded child" means any child who is  
2 not capable of profiting from the regular instruction of a  
3 school because his mental ability is substantially below the  
4 mental ability of an average child of the same age. Mentally  
5 retarded children are classified as follows:

6       (a) An "educable mentally retarded child" means a  
7 child who, at maturity, cannot be expected to attain a level  
8 of intellectual functioning greater than that commonly  
9 expected of an ~~eleven-year-old~~ 11-year-old child, but not  
10 less than that of a ~~seven-year-old~~ 7-year-old child.

11       (b) A "trainable mentally retarded child" means a  
12 child who, at maturity, cannot be expected to attain a level  
13 of intellectual functioning greater than that commonly  
14 expected of a ~~seven-year-old~~ 7-year-old child and, for  
15 entrance into a training program, is capable of walking, of  
16 clean body habits, and of obedience to simple commands.

17       (c) A "custodial mentally retarded child" means a  
18 child who does not show a likelihood of attaining clean body  
19 habits, responsiveness to directions, or means of  
20 intelligible communication.

21       (3) A "physically handicapped child" means a child who  
22 is capable of profiting from the regular instruction with  
23 the assistance of special equipment, special services, or  
24 transportation to compensate for physical disabilities such  
25 as, but not limited to, cardiac impairment, cerebral palsy,

1 chronic health problems, or inadequate speech, hearing, or  
2 vision.

3 (4) An "educationally handicapped person" means a  
4 child or young adult under the age of twenty-one (21) years  
5 who requires special assistance to the extent that he cannot  
6 reasonably profit from the regular education program. An  
7 educationally handicapped person's learning disorders  
8 include, but are not limited to, conditions which have been  
9 referred to as visual perception handicaps, brain injury,  
10 minimal brain dysfunction, dyslexia, behavioral  
11 maladjustment, and or emotional disturbances. An  
12 educationally handicapped person's disorders are not the  
13 result of problems with visual acuity, hearing impairment,  
14 physical handicaps, cultural or instructional factors, and  
15 or mental retardation."

16 Section 27. Section 75-8132, R.C.M. 1947, is amended  
17 to read as follows:

18 "75-8132. Tax levy. On the second Monday of August,  
19 the board of county commissioners of any county where a  
20 community college district is located shall fix and levy a  
21 tax on all the real and personal property within the  
22 community college district, at the rate required to finance  
23 the ~~three--(3) mandatory~~ mill levy prescribed by subsection  
24 ~~(1) of section 75-8128(2)~~ plus any approved additional levy.  
25 When a community college district has territory in more than

1 one county, the board of county commissioners of each county  
2 shall fix and levy the community college district tax on all  
3 the real and personal property of the community college  
4 district situated in its county."

5 Section 28. Section 75-8307, R.C.M. 1947, is amended  
6 to read as follows:

7 "75-8307. Penalty. Unless otherwise specifically  
8 provided by law, any person who ~~shall violate~~ violates any  
9 provisions ~~provision~~ of this title ~~title shall be deemed is~~  
10 guilty of a misdemeanor and, if convicted by a court of  
11 competent jurisdiction, shall be ~~fin~~ punished by a fine of  
12 not less than ~~twenty-dollars~~ (\$20) or more than ~~two--hundred~~  
13 ~~dollars~~ (\$200), or by imprisonment in the county jail for  
14 not less than ~~five~~ (5) days or more than ~~thirty~~ (30) days,  
15 or by both such fine and imprisonment."

16 Section 29. Section 75-8312, R.C.M. 1947, is amended  
17 to read as follows:

18 "75-8312. Educational impact statements defined --  
19 when required. When a county superintendent of schools finds  
20 that a person intends to construct or locate a major  
21 industrial facility, as defined in section 75-7104, or  
22 intends to open a new strip mine, as defined by section  
23 50-1603, within the county, the superintendent may require  
24 such person to file with the county an educational impact  
25 statement. An educational impact statement is a report

1 estimating the increased demands on public schools in the  
2 county as a consequence of the major industrial facility or  
3 strip mine. The statement shall indicate:

4 (1) the ~~numbers~~ number of persons~~---and---their~~  
5 ~~anticipated-residential-distribution~~ to be employed during  
6 the construction or preparation~~y~~ and during the operation of  
7 the major industrial facility or strip mine and their  
8 anticipated residential distribution;

9 (2) the ~~numbers~~ number and anticipated distribution of  
10 persons employed in providing goods and services to the  
11 persons enumerated in the preceding category;

12 (3) the ~~numbers~~ number of school age children  
13 anticipated to be living with the persons enumerated in the  
14 preceding categories; and

15 (4) the time periods covered by each preceding  
16 estimate."

17 Section 30. Section 75-8404, R.C.M. 1947, is amended  
18 to read as follows:

19 "75-8404. Prohibition against use of name of system.

20 (1) The state has the exclusive right to the name "the  
21 Montana university system".

22 (2) No other institution of learning~~y~~ or corporation  
23 ~~shall~~ may use the name "the Montana university system" or  
24 similar name.

25 (3) The attorney general shall bring an action in the

1 name of the state against any person, association, or  
2 corporation using the same or similar name.

3 (4) The penalty for violation of this section shall be  
4 the dissolution of the corporation~~y~~ and a fine in a sum not  
5 exceeding ~~five-hundred-dollars~~ (\$500)~~y~~ nor or less than ~~one~~  
6 ~~hundred-dollars~~ (\$100)."

7 Section 31. Section 75-8504, R.C.M. 1947, is amended  
8 to read as follows:

9 "75-8504. Borrowing by regents. In carrying out the  
10 above powers, the regents may:

11 (1) ~~Borrow~~ borrow money for any purpose or purposes  
12 stated in this chapter, including, if ~~deemed~~ considered  
13 desirable by the regents, the payment of interest on the  
14 money borrowed for a facility during the construction  
15 thereof and for ~~one~~ (1) year thereafter and the creation of  
16 a reserve for the payment of bond principal and interest;

17 (2) Make ~~make~~ purchases on a time or installment  
18 basis;

19 (3) ~~issue~~ issue bonds, notes, and other securities,  
20 negotiable or otherwise, secured as provided in this  
21 section, including bearer bonds with appurtenant interest  
22 coupons, which shall be fully negotiable notwithstanding any  
23 limitation on the source of payment thereof, or fully  
24 registered bonds~~y~~ or bonds registered as to ownership of  
25 principal only;

1 (4) ~~Pledge~~ pledge for the payment of the purchase  
2 price of any facility or of the principal and interest on  
3 bonds, notes, or other securities authorized in this chapter  
4 or otherwise obligate:

5 (a) the net income received from rents, board, or both  
6 in housing, food service, and other facilities;

7 (b) receipts from student building, activity, union,  
8 and other special fees prescribed by the regents for all  
9 students; and

10 (c) other income in the form of gifts, bequests,  
11 contributions, federal grants of funds, including the  
12 proceeds or income from grants of lands or other real or  
13 personal property; receipts from athletic and other  
14 contests, exhibitions, and performances; and collections of  
15 admissions and other charges for the use of facilities  
16 including all use by other persons, firms, and corporations  
17 for athletic and other contests, exhibitions, and  
18 performances and for the conduct of their business,  
19 educational, or governmental functions;

20 (5) ~~Make~~ make payments on loans or purchases from any  
21 other available income not obligated for ~~such those~~  
22 purposes, including receipts from sale of materials,  
23 equipment, and fixtures of ~~such the~~ facilities, or from  
24 sales of the facilities themselves other than land;

25 (6) ~~Secure~~ secure any bonds authorized hereunder by a

1 trust indenture between the regents and any bank or trust  
2 company within or without the state of Montana, or by a  
3 resolution establishing covenants of the regents with the  
4 holders of such bonds, relating to the construction,  
5 operation, use, and insurance of the facilities; the  
6 segregation, expenditure, and audit of accounts of the bond  
7 proceeds and of the income pledged; the establishment and  
8 collection of rents, charges, admissions, and fees  
9 sufficient to provide net income adequate for prompt payment  
10 of principal and interest on bonds and creation and  
11 maintenance of reserves for that purpose; and such other  
12 matters as the regents may determine to be necessary or  
13 desirable for the security and marketability of the bonds;

14 (7) ~~Issue~~ issue and sell or exchange bonds, secured as  
15 provided in this section, for the refunding of any  
16 outstanding bonds or other obligations ~~heretofore--or~~  
17 ~~hereafter~~ issued before or after January 29, 1971, by the  
18 regents, subject to the following provisions:

19 (a) ~~Refunding~~ refunding bonds may, with the consent of  
20 the holders of the bonds to be refunded thereby, be  
21 exchanged at par plus accrued interest for all or part of  
22 such bonds, or may be sold at a price not less than par plus  
23 accrued interest. They may be secured by a pledge of the  
24 same revenue as the bonds refunded, or by a pledge of  
25 different or additional revenues received at the same unit



1 of the university. Nothing herein shall require the holder  
 2 of any outstanding bond to accept payment thereof or the  
 3 delivery of a refunding bond in exchange therefor, except in  
 4 accordance with the terms of such ~~the~~ outstanding bond.  
 5 bonds may be issued to refund interest as well as principal  
 6 actually due and payable if the revenues pledged therefor  
 7 are not sufficient, but not to refund any bonds or interest  
 8 due which can be paid from revenues then on hand.

9 (b) Refunding ~~refunding~~ bonds may bear interest at a  
 10 rate lower or higher than the bonds refunded thereby, if  
 11 they are issued to refund matured principal or interest for  
 12 the payment of which revenues on hand are not sufficient, or  
 13 if they are issued to refund before maturity bonds issued  
 14 before January 1, 1965, for the purpose of releasing  
 15 revenues required for payment of the outstanding bonds  
 16 permitting the pledge thereof for the security of other  
 17 bonds as well as the refunding bonds, subject to the rights  
 18 of the holders of the outstanding bonds until those bonds  
 19 are fully paid and redeemed. Except as authorized in the  
 20 preceding sentence, refunding bonds shall not be issued  
 21 unless their average annual interest rate, computed to their  
 22 stated maturity dates and excluding any premium from such  
 23 computation, is at least ~~three-eighths-of-one-per-cent~~  $\{3/8$   
 24 of 1% less than the average annual interest rate on the  
 25 bonds refunded thereby, computed to their respective stated

1 maturity dates.

2 (c) In ~~in~~ any case where refunding bonds are issued  
 3 and sold ~~six~~  $\{6\}$  months or more before the earliest date on  
 4 which all bonds refunded thereby mature or are prepayable in  
 5 accordance with their terms, the proceeds of the refunding  
 6 bonds, including any premium and accrued interest, shall be  
 7 deposited in escrow with a suitable bank or trust company  
 8 having its principal place of business within or without the  
 9 state, which is a member of the federal reserve system and  
 10 has a combined capital and surplus not less than ~~one~~  $\{1$   
 11 million dollars-- ~~$\{1,000,000\}$~~  and shall be invested in such  
 12 ~~the~~ amount and in securities maturing on such ~~the~~ dates and  
 13 bearing interest at such ~~the~~ rates ~~as shall~~ which will be  
 14 required to provide funds sufficient to pay when due the  
 15 interest to accrue on each bond refunded to its maturity or,  
 16 if it is prepayable, to the earliest prior date upon which  
 17 such ~~the~~ bond may be called for redemption from the proceeds  
 18 of the refunding bonds, and to pay and redeem the principal  
 19 amount of each such bond at maturity or, if prepayable, ~~at~~  
 20 ~~said on that~~ redemption date, and any premium required for  
 21 redemption on such ~~that~~ date, and the ~~the~~ resolution or  
 22 indenture authorizing the refunding bonds shall irrevocably  
 23 appropriate for these purposes the escrow fund and all  
 24 income therefrom, and shall provide for the call of all  
 25 prepayable bonds in accordance with their terms. The

1 securities to be purchased with such escrow funds shall be  
 2 limited to general obligations of the United States,  
 3 securities whose principal and interest payments are  
 4 guaranteed by the United States, and securities issued by  
 5 the following United States government agencies: banks for  
 6 ~~co-operatives~~ cooperatives, federal home loan banks, federal  
 7 intermediate credit banks, federal land banks, and the  
 8 federal national mortgage association. Such ~~the~~ securities  
 9 shall be purchased simultaneously with the delivery of the  
 10 refunding bonds.

11 (d) ~~Revenues~~ revenues or other funds on hand, in  
 12 excess of amount pledged by resolutions or indentures  
 13 authorizing outstanding bonds for the payment of principal  
 14 and interest currently due thereon and reserves securing  
 15 such payment, may be used to pay the expenses incurred by  
 16 the regents for the purpose of such refunding, including but  
 17 without limitation the cost of advertising and printing  
 18 refunding bonds, legal and financial advice and assistance  
 19 in connection therewith, and the reasonable and customary  
 20 charges of escrow agents and paying agents. Revenues and  
 21 other funds on hand, including reserves pledged for the  
 22 payment and security of outstanding revenue bonds, may be  
 23 deposited in an escrow fund created for the retirement of  
 24 such ~~those~~ bonds and may be invested and disbursed as  
 25 provided in subsection (c) hereof, to the extent consistent

1 with the resolutions or indentures authorizing such  
 2 outstanding bonds.

3 (8) ~~Sett~~ sell bonds and sell or exchange refunding  
 4 bonds issued hereunder in such ~~the~~ manner and upon such ~~the~~  
 5 terms as to maturities, interest rates, and redemption  
 6 privileges, and for such ~~the~~ price, as ~~that~~ the regents  
 7 shall determine with the approval of the department of  
 8 administration state-controller."

9 Section 32. Section 75-8609, R.C.M. 1947, is amended  
 10 to read as follows:

11 "75-8609. Control of expenditures. Pursuant to the  
 12 terms of appropriations of the ~~legislative---assembly~~  
 13 legislature or of ~~Congress~~ congress or of gifts of donors,  
 14 the regents shall determine the need for all expenditures,  
 15 and control the purposes for which all funds shall be spent,  
 16 subject to the provisions of the law dealing with ~~state~~  
 17 purchases the-state-purchasing-agent."

18 Section 33. Section 75-8703, R.C.M. 1947, is amended  
 19 to read as follows:

20 "75-8703. Presumptions and rules as to domicile.  
 21 (1) Unless the contrary appears to the unit registering  
 22 authority, it is presumed that the domicile of a minor is  
 23 that:

24 (1) ~~The domicile of a minor is that~~

25 (a) of the parents, or, if one of them is deceased or

1 they do not share the same domicile, of the parent having  
2 legal custody, or, if neither parent has legal custody, the  
3 parent with whom the minor customarily resides; or

4 (b) of his guardian when the court appointing the  
5 guardian certifies that the primary purpose of the  
6 appointment is not to qualify the minor as a resident of  
7 this state, or,.

8 (2) A resident student who marries a nonresident does  
9 not by that fact alone lose resident status for tuition and  
10 fee purposes for a period of four (4) years after marriage.

11 (3) Except as provided in the next subsection,  
12 residence is not gained or lost because of relocation as a  
13 member of the armed forces of the United States.

14 (4) Residence may be gained by a member of the armed  
15 forces of the United States, his spouse, or his children by  
16 living in Montana for one (1) year, and complying with the  
17 provisions of this section.

18 (5) A new domicile is established by a qualified  
19 person if he is physically present in Montana with no  
20 intention to acquire a domicile outside of Montana.

21 (6) Domicile is not lost by absence from Montana with  
22 no intention to establish a new domicile.

23 (7) Montana high school graduates are resident  
24 students of the system for four (4) consecutive years of  
25 attendance if:

1 (a) they apply for admittance to the system within one  
2 (1) year after graduation; or

3 (b) their parents or the parent having legal custody,  
4 or, if neither parent has legal custody, the parent with  
5 whom they customarily reside have has resided in Montana in  
6 one (1) of the two (2) years immediately preceding the  
7 graduation.

8 (8) Upon moving to Montana, an adult employed on a  
9 full-time basis within the state of Montana may apply for  
10 in-state tuition classification for his spouse or any  
11 dependent minor child or both. If such person meets the  
12 requirement of full-time employment within the state of  
13 Montana and files for the payment of Montana state income  
14 taxes, or files estimates of such those taxes, or is subject  
15 to withholding of said those taxes, and renounces his  
16 residency in any other state, and is not himself in the  
17 state primarily as a student, his spouse or any dependent  
18 minor child, or both, may at the next registration after  
19 qualifying be classified at the in-state rate, so long as he  
20 continues his Montana domicile. In the administration of  
21 this subsection paragraph, neither the full-time employee or  
22 spouse shall be eligible for in-state tuition classification  
23 if the primary purpose for coming to Montana was the  
24 education of the employee or spouse."

25 Section 34. Section 75-8705, R.C.M. 1947, is amended

1 to read as follows:

2 "75-8705. Indians -- nonpayment of fees. (1) Persons  
3 of one-fourth ~~(1/4)~~ Indian blood or more and who are bona  
4 fide residents of the state of Montana for at least one ~~(1)~~  
5 year prior to enrollment in the Montana university system,  
6 ~~completing have completed~~ a four-~~(4)~~-year ~~4-year~~ course of  
7 ~~in~~ an accredited high school or federal Indian school, ~~and~~  
8 ~~show showing~~ financial need and evidence of studious and  
9 industrious habits, may enroll in the university system  
10 without the payment of fees.

11 (2) Each unit shall make rules governing the selection  
12 of these students."

13 Section 35. Section 75-9108, R.C.M. 1947, is amended  
14 to read as follows:

15 "75-9108. ~~Anti-discrimination~~ Antidiscrimination. No  
16 employer is eligible to employ any person under this program  
17 ~~which if the~~ employer practices discrimination in employment  
18 against any individual because of race, ~~creed~~, religion,  
19 color, political ideas, sex, or age, marital status,  
20 physical or mental handicap, ancestry, or national origin."

21 Section 36. Section 75-9215, R.C.M. 1947, is amended  
22 to read as follows:

23 "75-9215. Civil relief. Any person ~~or persons~~ claiming  
24 loss or damage as a result of any act or practice by a  
25 postsecondary institution or its agent, or both, which act

1 or practice violates the criteria established by the  
2 department under ~~section--6--(75-9206) of this act~~ or the  
3 prohibitions in ~~section-8-(75-9208) of this act~~, may sue in  
4 a court of proper jurisdiction of this state the institution  
5 ~~of~~ or the agent, or both, and their sureties for the amount  
6 of ~~such the~~ damage or loss and, if successful, shall be  
7 awarded, in addition to damages, court costs and reasonable  
8 attorney's fees."

9 Section 37. Section 75-9216, R.C.M. 1947, is amended  
10 to read as follows:

11 "75-9216. Bonds required. (1) At the time application  
12 is made for license, the department may require the  
13 postsecondary educational institution making ~~such the~~  
14 application to file with the department a good and  
15 sufficient surety bond in such sum as may be determined by  
16 the department. ~~Said the~~ bond shall be executed by the  
17 applicant as principal and by a surety company qualified and  
18 authorized to do business in this state. The bond shall be  
19 conditioned to provide indemnification to any student or  
20 enrollee or his parent or guardian, or class thereof,  
21 determined to have suffered loss or damage as a result of  
22 any act or practice which is a violation of this act by ~~the~~  
23 ~~said~~ postsecondary educational institution, and that the  
24 bonding company shall pay any final, nonappealable judgment  
25 rendered by any court of this state having jurisdiction.

1 upon receipt of written notification thereof. Regardless of  
 2 the number of years that such ~~the~~ bond is in force, the  
 3 aggregate liability of the surety thereon shall in no event  
 4 exceed the penal sum of the bond. The bond shall be for two  
 5 {2} years or coterminous with the license.

6 (2) An application for a permit shall be accompanied  
 7 by a good and sufficient surety bond in a penal sum of one  
 8 thousand--dollars {\$1,000}. ~~Said the~~ bond shall be executed  
 9 by the applicant as principal and by a surety company  
 10 qualified and authorized to do business in this state. The  
 11 bond may be in blanket form to cover more than one agent for  
 12 a postsecondary educational institution, but it shall cover  
 13 each agent for ~~said the~~ institution in a penal sum of one  
 14 thousand--dollars {\$1,000}. The bond shall be conditioned to  
 15 provide indemnification to any student, enrollee, or ~~his-or~~  
 16 ~~her the~~ parents or guardian, or class thereof, determined to  
 17 have suffered loss or damage as a result of any act or  
 18 practice which is a violation of this act by ~~said the~~ agent  
 19 and that the bonding company shall pay any final  
 20 nonappealable judgment rendered by any court of this state  
 21 having jurisdiction, upon receipt of written notification  
 22 thereof. Regardless of the number of years that such ~~the~~  
 23 bond is in force, the aggregate liability of the surety  
 24 thereon shall in no event exceed the penal sum thereof. The  
 25 bond shall be for two {2} years or coterminous with the

1 permit.

2 (3) The surety bond to be filed hereunder shall cover  
 3 the period of the license or the permit except when a surety  
 4 ~~is shall--be~~ released ~~as-provided-herein~~. A surety on any  
 5 bond filed under the provisions of this section may be  
 6 released after such ~~the~~ surety ~~shall--serve~~ has served  
 7 written notice to the department forty {40} days prior to  
 8 ~~said the~~ release, but ~~the~~ said release ~~shall does~~ not  
 9 discharge or otherwise affect any claim ~~theretofore--or~~  
 10 ~~thereafter~~ filed by a student or enrollee or his parent or  
 11 guardian for loss or damage resulting from any act or  
 12 practice which is a violation of this act alleged to have  
 13 occurred while the bond was in effect, ~~nor or for from~~ an  
 14 institution's ceasing operations during the term for which  
 15 tuition has been paid while the bond was in force.

16 (4) A license for an institution to operate or a  
 17 permit to an agent shall be suspended by operation of law  
 18 when ~~said the~~ institution or agent is no longer covered by a  
 19 surety bond as required by this section; but the department  
 20 shall cause the institution or an agent, or both, to receive  
 21 at least ~~thirty--{30}--days~~ days written notice prior to the  
 22 release of the surety to the effect that the license or  
 23 permit shall be suspended by operation of law until another  
 24 surety bond ~~shall-be~~ is filed in the same manner and like  
 25 amount as the bond being terminated."

1 Section 38. Section 80-102, R.C.M. 1947, is amended to  
2 read as follows:

3 "80-102. Montana state school for deaf and blind  
4 independent institution -- rights saved. The school for the  
5 deaf and blind, formerly located at Boulder in connection  
6 with the Montana state training school, but heretofore  
7 transferred before July 1, 1943, to the city of Great Falls,  
8 shall be known and designated as the Montana state school  
9 for the deaf and blind, and shall be conducted as a separate  
10 and independent unit and institution of the state of  
11 Montana, under the general supervision, direction, and  
12 control of the state board of public education, with a local  
13 executive board to be appointed in the manner, and to have  
14 the powers, authority, and duties granted to and required of  
15 such that board by the provisions of 75-8510 and 75-8511,  
16 ~~sections--75-302--to--75-309;~~ provided--that However, the  
17 transfer of such that school, or any change in the name  
18 thereof or in the objects or purposes thereof ~~shall~~ may  
19 not be deemed considered or construed to impair or work any  
20 forfeiture or alteration of any rights, grants, or property  
21 heretofore made to or acquired by such that school or by the  
22 state for the use and benefit of such that school prior to  
23 July 1, 1943."

24 Section 39. Repealer. Sections 80-110 and 80-112,  
25 R.C.M. 1947, are repealed.

-End-

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LC 0055

1977 Legislature  
Code Commissioner Bill - Summary

Senate Bill No. 17

FOR THE GENERAL REVISION AND CLARIFICATION OF LAWS RELATING  
TO EDUCATION.

(This summary does not include discussion of routine form or  
grammatical changes.)

Preliminary note: Article X, section 9 of the 1972 Montana  
Constitution created the board of public education, the board  
of regents of higher education and the state board of education.  
The constitution also set guidelines for allocation of responsi-  
bilities to these boards. Section 75-5617 implements these  
guidelines by assigning the various R.C.M. sections on education  
to particular boards. Throughout this bill changes are made  
(i.e., "board of education" to "board of public education")  
to reflect the allocations made by 75-5617.

Section 1. 75-5607. Amended to delete subsection (8)  
which refers to 75-7509. Section 75-7509 was repealed by  
Sec. 4, Ch. 137, L. 1975.

Section 2. 75-5607.1 (New). Section 75-5617 allocated  
subsections (14) and (15) of 75-5607 to the board of regents  
while allocating the rest of the section to the board of public  
education. This new section is necessary to take subsections  
(14) and (15) out of 75-5607 and to designate these duties as  
allocated to the board of regents.

Section 3. 75-5707. Amended to change internal refer-  
ence in subsection (5) from "75-6203" to "82A-212". Section  
75-6203 was repealed by Sec. 103, Ch. 326, L. 1974. Section  
82A-212 is the new section dealing with the teachers' retirement  
board. Also deleted subsection (28) referring to 75-7509  
which was repealed by Sec. 4, Ch. 137, L. 1975. Also deleted  
subsection (37) because 75-5617 (2) allocated supervision of  
community college districts, referred to in subsection (37),  
to the board of regents.

Section 4. 75-5805. Amended to delete reference in subsection (6) to audit required by 75-6323. Section 75-6323 no longer requires an audit. Also corrected obvious inadvertent omission in subsection (2).

Section 5. 75-5918. To correct obvious error, third paragraph amended to change "in not less than" to "within".

Section 6. 75-5932. To correct obvious error and clarify obvious intent, subsection (2) amended to change "or the rules" to "and the rules".

Section 7. 75-5935. Amended to delete subsection (3) referring to 75-5936 and 75-5937 and the annual census. These sections and the census were repealed and eliminated by Sec. 15, Ch. 137, L. 1973.

Section 8. 75-6304. Amended to correct obvious oversight and to provide consistency with 75-6303. Section 75-6303 was previously amended to remove compulsory enrollment for persons over 16 years of age, but 75-6304 dealing with compulsory attendance was not amended accordingly.

Section 9. 75-6313. Sections 10-501 and 10-602 relating to neglected children and delinquent youth referred to in subsection (5) have been repealed. The subsection is amended to conform to Title 10, chapters 12 and 13, which contain the present provisions on neglected children and delinquent youth, and to substitute appropriate section numbers. Also "state department of public welfare" is changed to "state department of social and rehabilitation services" in order to conform to Title 82A on executive reorganization.

Section 10. 75-6410. "Except as provided in subsection (2)" added at the beginning of the section to avoid conflict within the section.

Section 11. 75-6412. Penalty provision amended to be consistent with the criminal code provision on false swearing, 94-7-203.

Section 12. 75-6523. Amended to strike "as provided by section 75-6423" in the second paragraph. Section 75-6423 does not relate to ordering of trustees to hold an election and, at any rate, the reference to it is unnecessary. Deleted to avoid confusion.

Section 13. 75-6606. Since a junior high is a type of high school under 75-6601, the reference to subsection (10) on elementary schools of 75-6905 is apparently incorrect. Amended to delete "subsection (10)" so that the reader will be referred to 75-6905 in its entirety.



Section 14. 75-6701. Chapters 401 and 406, Laws 1971, placed community college district budget and finance under the supervision of the regents. Chapter 401 also repealed 75-8121 which had designated community college districts as high school districts for budget and finance purposes. Apparently by inadvertent oversight the reference to community college districts in 75-6701 and 75-6802, which sections put supervision in the superintendent of public instruction, was not deleted. Both sections are amended to delete this reference.

Section 15. 75-6802. See explanation for Section 14.

Section 16. 75-6807. Section 82-1008 relating to state examiners internally referred to in this section has been repealed. Amended to conform to present law applicable to auditing of school district accounts, 82-4516.

Section 17. 75-6808. Amended to add a few words to first paragraph to correct obvious errors in grammar and to clarify intent.

Section 18. 75-6914. Changed "from" to "for" in subsection (2) to correct obvious error.

Section 19. 75-7016. To clarify obvious intent "and" is changed to "or" in second sentence.

Section 20. 75-7017. Changed "district" to "distance" in first sentence to correct obvious error.

Section 21. 75-7018. Third sentence reworded to correct poor word arrangement and to clarify.

Section 22. 75-7119. Amended to delete bracketed matter in the fourth paragraph of the notice form in order to avoid confusion. The 1971 amendment (Sec. 41, Ch. 234, L. 1971) deleted the language immediately preceding the bracketed matter and upon which the bracketed matter was dependent, but by apparent oversight failed to delete the bracketed matter.

Section 23. 75-7309. In (1)(c) the word "issues" changed to "issued" to correct obvious error and avoid confusion. In (1)(d) the word "either" stricken as unnecessary and confusing.

Section 24. 75-7607. This section provides grounds for forfeiture of a licensed textbook dealer's surety bond. Subsection (1), however, refers to a "licensed textbook dealer . . . offering to supply textbooks without a license" and has no meaning. Section 75-7608 provides a penalty for doing textbook business without a license. Amended to delete subsection (1).

Section 25. 75-7709. To correct obvious oversight and to conform to usage throughout the chapter, "vocational" is changed to "vocational-technical" in subsection (4). (Now (1)(d)).

Section 26. 75-7801. In order to clarify obvious intent, amended to change "and" to "or" in last paragraph.

Section 27. 75-8132. This section internally refers to 75-8128 which was amended in 1975. Section 75-8132 is amended to conform to new terminology and numbering of 75-8128. Section 75-8128 no longer refers to a three-mill levy.

Section 28. 75-8307. Amended to correct obvious error in use of word forms.

Section 29. 75-8312. To correct apparent inadvertent omission and avoid possible subversion of intent "or strip mine" is added after "industrial facility" in second and third sentences.

Section 30. 75-8404. Subsection (4), the penalty provision, is amended for clarity by designating the "sum" provided therein as a "fine".

Section 31. 75-8504. In order to conform to 1971 reorganization, "state controller" is changed to "department of administration" in subsection (8).

Section 32. 75-8609. The state purchasing agent was abolished by 1971 executive reorganization. In order to conform to reorganization and also maintain the reference to state purchasing law, "the state purchasing agent" is changed to "state purchases".

Section 33. 75-8703. Although all subsections are listed as "presumptions", it is clear from the wording of most of the subsections that they were intended as rules and not presumptions. Further, all but subsection (1) are presently administered as rules. Amended to clarify intent and conform to present administration.

Section 34. 75-8705. Amended to add the word "who" in subsection (1) to correct obvious oversight. Also certain word forms changed for clarification.

Section 35. 75-9108. Amended to add other types of discrimination so as to conform to 64-318 (enacted 1975) which prohibits the state from entering arrangements which sanction the listed types of discrimination.

Section 36. 75-9215. Changed "of" to "or" to correct obvious error.

Section 37. 75-9216. Changed "for" to "from" in subsection (3) to correct obvious error.

Section 38. 80-102. Sections 75-302 to 75-309, dealing with local executive boards internally referred to in this section, have been repealed. Amended to substitute reference to present applicable law. Also "state board of education" is changed to "state board of public education" to conform to Art. X, Sec. 9 of the 1972 Montana Constitution.

Section 39. Repealer.

80-110. This section requires transmittal to the school for the deaf and blind of data obtained in the school census required by 75-1903. 75-1903 has been repealed, as have its successor statutes (75-5936 to 75-5938), effectively abolishing the school census. Repeal.

80-112. All provisions in this section have no future applicability except the jury duty exemption provision. The jury duty exemption is being added to 93-1304 which lists jury duty exemptions. Repeal.

Approved by Committee on Education

1 SENATE BILL NO. 17  
2 INTRODUCED BY BLAYLOCK

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL  
5 REVISION AND CLARIFICATION OF LAWS RELATING TO EDUCATION."

6  
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

8 Section 1. Section 75-5607, R.C.M. 1947, is amended to  
9 read as follows:

10 "75-5607. ~~Board of public education --~~ Powers powers  
11 and duties. The board of public education shall ~~have--the~~  
12 ~~power--and-it-shall-be-its-duty-to:~~

13 (1) effect an orderly and uniform system of for  
14 teacher certification and for the issuance of an emergency  
15 authorization of employment by adopting the policies  
16 prescribed by sections 75-6002 and 75-6011;

17 (2) consider the suspension or revocation of teacher  
18 certificates and appeals from the denial of teacher  
19 certification in accordance with the provisions of section  
20 75-6010;

21 (3) administer and order the distribution of state  
22 equalization aid in accordance with the provisions of  
23 section 75-6917;

24 (4) adopt and enforce policies to provide uniform  
25 standards and regulations for the design, construction, and

There are no changes in SB 17, & will not be re-run.

Please refer to white copy for complete text. SECOND READING

1 operation of school buses in accordance with the provisions  
2 of section 75-7004;

3 (5) approve or disapprove a reduction of the number of  
4 hours in a district's school day in accordance with the  
5 provisions of section 75-7403;

6 (6) adopt policies prescribing the conditions when  
7 school may be conducted on Saturday and the types of  
8 pupil-instruction-related days and approval procedure for  
9 such days in accordance with the provisions of sections  
10 75-7404 and 75-7405;

11 (7) adopt standards of accreditation and establish the  
12 accreditation status of every school in accordance with the  
13 provisions of sections 75-7501 and 75-7502;

14 ~~(8)--establish-the-scope-of-conservation--education--in~~  
15 ~~the--schools--in--accordance--with--the--provisions--of--section~~  
16 ~~75-7509;~~

17 ~~(9)(8)~~ approve or disapprove educational media  
18 selected by the superintendent of public instruction for the  
19 educational media library in accordance with the provisions  
20 of section 75-7511;

21 ~~(10)(9)~~ as the governing board of the state of Montana  
22 for vocational education, adopt the policies prescribed by  
23 and in accordance with the provisions of section 75-7702;

24 ~~(11)(10)~~ consider applications for ~~post-secondary~~  
25 ~~postsecondary~~ vocational-technical center designation in

1 accordance with the provisions of ~~section 75-7707~~;  
 2 ~~(12)(11)~~ for the purposes of post-secondary  
 3 ~~postsecondary~~ vocational-technical centers, approve or  
 4 disapprove programs and budgets, direct the distribution of  
 5 moneys in support of such budgets, determine tuition rates  
 6 and fees, and enter into lease agreements or real property  
 7 purchases in accordance with the ~~post-secondary~~  
 8 ~~postsecondary~~ vocational-technical center provisions of the  
 9 vocational education chapter of this ~~title~~ title;

10 ~~(13)(12)~~ adopt policies for the conduct of special  
 11 education in accordance with the provisions of ~~section~~  
 12 75-7802;

13 ~~(14) supervise---community---college---districts---in~~  
 14 ~~accordance--with--the--provisions--of--sections--75-8103--and~~  
 15 ~~75-8119;~~

16 ~~(15) call--an--election,--determine--the--results--of--the~~  
 17 ~~election,--order--and--implement--the--organization--of--a--community~~  
 18 ~~college--district--in--accordance--with--the--community--college~~  
 19 ~~districts--chapter--of--this--title;--and~~

20 ~~(16)(13)~~ perform any other duty prescribed from time to  
 21 time by this ~~title~~ title or any other act of the  
 22 legislature."

23 Section 2. There is a new R.C.M. section numbered  
 24 75-5607.1 that reads as follows:

25 75-5607.1. Regents to supervise community college

1 districts. The board of regents of higher education shall:

2 (1) supervise community college districts in  
 3 accordance with the provisions of 75-8103 and 75-8119; and

4 (2) call an election, determine the results of the  
 5 election, and order and implement the organization of a  
 6 community college district in accordance with the community  
 7 college districts chapter of this title.

8 Section 3. Section 75-5707, R.C.M. 1947, is amended to  
 9 read as follows:

10 "75-5707. Powers--~~and~~--duties Supervision of schools.  
 11 The superintendent of public instruction ~~shall have~~ has the  
 12 general supervision of the public schools and districts of  
 13 the state, and he ~~shall have the power--and~~ shall perform  
 14 the following duties or acts in implementing and enforcing  
 15 the provisions of this ~~title~~ title:

16 (1) resolve any controversy resulting from the  
 17 proration of joint costs by a joint board of trustees under  
 18 the provisions of ~~section~~ 75-5929;

19 (2) issue, renew, or deny teacher certification and  
 20 emergency authorizations of employment and give notice of  
 21 teacher certification suspension or revocation proceedings  
 22 to be conducted by the board of public education in  
 23 accordance with the provisions of the teacher certification  
 24 chapter of this ~~title~~ title;

25 (3) negotiate reciprocal tuition agreements with other

Approved by Committee  
on Education

SENATE BILL NO. 17

INTRODUCED BY BLAYLOCK

A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL  
REVISION AND CLARIFICATION OF LAWS RELATING TO EDUCATION."

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

Section 1. Section 75-5607, R.C.M. 1947, is amended to  
read as follows:

"75-5607. Board of public education -- ~~Powers powers~~  
and duties. The board of public education shall ~~have the~~  
~~power and it shall be its duty to:~~

(1) effect an orderly and uniform system of ~~for~~  
teacher certification and for the issuance of an emergency  
authorization of employment by adopting the policies  
prescribed by ~~sections~~ 75-6002 and 75-6011;

(2) consider the suspension or revocation of teacher  
certificates, and appeals from the denial of teacher  
certification in accordance with the provisions of ~~section~~  
75-6010;

(3) administer and order the distribution of state  
equalization aid in accordance with the provisions of  
~~section~~ 75-6917;

(4) adopt and enforce policies to provide uniform  
standards and regulations for the design, construction, and

operation of school buses in accordance with the provisions  
of ~~section~~ 75-7004;

(5) approve or disapprove a reduction of the number of  
hours in a district's school day in accordance with the  
provisions of ~~section~~ 75-7403;

(6) adopt policies prescribing the conditions when  
school may be conducted on Saturday, and the types of  
pupil-instruction-related days and approval procedure for  
such days in accordance with the provisions of ~~sections~~  
75-7404 and 75-7405;

(7) adopt standards of accreditation and establish the  
accreditation status of every school in accordance with the  
provisions of ~~sections~~ 75-7501 and 75-7502;

~~(8) establish the scope of conservation education in  
the schools in accordance with the provisions of section  
75-7509;~~

~~(9)~~ (8) approve or disapprove educational media  
selected by the superintendent of public instruction for the  
educational media library in accordance with the provisions  
of ~~section~~ 75-7511;

~~(10)~~ (9) as the governing board of the state of Montana  
for vocational education, adopt the policies prescribed by  
and in accordance with the provisions of ~~section~~ 75-7702;

~~(11)~~ (10) consider applications for ~~post-secondary~~  
postsecondary vocational-technical center designation in

*Changes in SB 17 are on page 25  
Please refer to Blue Copy. SECOND READING  
Second Printing*

1 be prorated between the elementary district and the high  
2 school district on the basis of the ratio that the number of  
3 pupils of their district is to the total enrollment of the  
4 junior high school."

5 Section 14. Section 75-6701, R.C.M. 1947, is amended  
6 to read as follows:

7 "75-6701. Application of budget system for districts.  
8 The school budgeting procedure and provisions of this ~~Title~~  
9 ~~title shall apply to elementary, and high school and AND~~  
10 ~~community college COMMUNITY COLLEGE~~ districts, and to all  
11 funds requiring the adoption of a budget. Each district  
12 shall separately propose and adopt a budget in accordance  
13 with the requirements of this ~~Title~~ title."

14 SECTION 15. SECTION 75-6702, R.C.M. 1947, IS AMENDED  
15 TO READ AS FOLLOWS:

16 "75-6702. General supervision of school budgeting  
17 system. The superintendent of public instruction ~~shall have~~  
18 has general supervision over the school budgeting procedure  
19 and provisions, as they relate to elementary, and high school  
20 districts, prescribed by law and shall ~~have the duty to~~  
21 establish such ~~regulations~~ rules as are necessary to secure  
22 compliance with the school budgeting laws."

23 Section 16. Section 75-6802, R.C.M. 1947, is amended  
24 to read as follows:

25 "75-6802. Application of law and superintendent of

1 public instruction supervision. The school financial  
2 administration provisions of this ~~Title~~ title shall apply to  
3 all moneys of any elementary or high school district ~~or any~~  
4 ~~OR ANY community college district~~ COMMUNITY COLLEGE  
5 DISTRICT, ~~excepting~~ except the ~~extra-curricular~~  
6 ~~extracurricular~~ moneys realized from pupil activities. The  
7 superintendent of public instruction ~~shall~~ has general  
8 ~~supervision~~ supervisory authority over the school financial  
9 administration provisions, AS THEY RELATE TO ELEMENTARY AND  
10 HIGH SCHOOL DISTRICTS, as prescribed by law and shall ~~have~~  
11 ~~the duty to~~ establish such rules ~~and regulations~~ as are  
12 necessary to secure compliance with the law."

13 Section 17. Section 75-6807, R.C.M. 1947, is amended  
14 to read as follows:

15 "75-6807. Examination of district accounting records.  
16 (1) The accounting records of all districts ~~first- and~~  
17 ~~second-class district and each third-class district~~  
18 ~~maintaining a high school~~ shall be audited annually by the  
19 department of community affairs state examiner in accordance  
20 with 82-4516 section 82-4008, R.C.M., 1947.

21 (2) Annually and at such other times as directed by  
22 the board of county commissioners or trustees, the county  
23 auditor, or the county treasurer if there is no county  
24 auditor, shall audit the accounting records of each  
25 third-class district that does not maintain a high school.

Approved by Committee  
on Education

SENATE BILL NO. 17

INTRODUCED BY BLAYLOCK

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authorization of employment by adopting the policies  
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(2) consider the suspension or revocation of teacher  
certificates, and appeals from the denial of teacher  
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equalization aid in accordance with the provisions of  
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(4) adopt and enforce policies to provide uniform  
standards and regulations for the design, construction, and

operation of school buses in accordance with the provisions  
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(5) approve or disapprove a reduction of the number of  
hours in a district's school day in accordance with the  
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(7) adopt standards of accreditation and establish the  
accreditation status of every school in accordance with the  
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~~(8) establish the scope of conservation education in  
the schools in accordance with the provisions of section  
75-7509;~~

~~(9)~~ (8) approve or disapprove educational media  
selected by the superintendent of public instruction for the  
educational media library in accordance with the provisions  
of ~~section~~ 75-7511;

~~(10)~~ (9) as the governing board of the state of Montana  
for vocational education, adopt the policies prescribed by  
and in accordance with the provisions of ~~section~~ 75-7702;

~~(11)~~ (10) consider applications for ~~post-secondary~~  
postsecondary vocational-technical center designation in

*Amend. on S.B. 17 are on Page 25. Please  
include in your Blue Copy.*

THIRD READING  
*Corrected Printing*



1 be prorated between the elementary district and the high  
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3 pupils of their district is to the total enrollment of the  
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19 and provisions, as they relate to elementary, and high school  
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4 ~~OR ANY community-college-district~~ COMMUNITY COLLEGE  
5 DISTRICT, ~~excepting~~ except the ~~extra-curricular~~  
6 extracurricular moneys realized from pupil activities. The  
7 superintendent of public instruction ~~shall~~ has general  
8 ~~supervision~~ supervisory authority over the school financial  
9 administration provisions, AS THEY RELATE TO ELEMENTARY AND  
10 HIGH SCHOOL DISTRICTS, as prescribed by law and shall ~~have~~  
11 ~~the duty to~~ establish such rules ~~and regulations~~ as are  
12 necessary to secure compliance with the law."

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16 (1) The accounting records of all districts ~~first- and~~  
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18 ~~maintaining a high school~~ shall be audited annually by the  
19 department of community affairs state-examiner in accordance  
20 with 82-4516 section 82-1009, R.C.M., 1947.

21 (2) Annually and at such other times as directed by  
22 the board of county commissioners or trustees, the county  
23 auditor, or the county treasurer if there is no county  
24 auditor, shall audit the accounting records of each  
25 third-class district that does not maintain a high school.

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(1) effect an orderly and uniform system ~~of~~ for teacher certification and for the issuance of an emergency authorization of employment by adopting the policies prescribed by ~~sections~~ 75-6002 and 75-6011;

(2) consider the suspension or revocation of teacher certificates, and appeals from the denial of teacher certification in accordance with the provisions of ~~section~~ 75-6010;

(3) administer and order the distribution of state equalization aid in accordance with the provisions of ~~section~~ 75-6917;

(4) adopt and enforce policies to provide uniform standards and regulations for the design, construction, and

operation of school buses in accordance with the provisions of ~~section~~ 75-7004;

(5) approve or disapprove a reduction of the number of hours in a district's school day in accordance with the provisions of ~~section~~ 75-7403;

(6) adopt policies prescribing the conditions when school may be conducted on Saturday, and the types of pupil-instruction-related days and approval procedure for such days in accordance with the provisions of ~~sections~~ 75-7404 and 75-7405;

(7) adopt standards of accreditation and establish the accreditation status of every school in accordance with the provisions of ~~sections~~ 75-7501 and 75-7502;

~~(8) establish the scope of conservation education in the schools in accordance with the provisions of section 75-7509.~~

~~(9)~~ (8) approve or disapprove educational media selected by the superintendent of public instruction for the educational media library in accordance with the provisions of ~~section~~ 75-7511;

~~(10)~~ (9) as the governing board of the state of Montana for vocational education, adopt the policies prescribed by and in accordance with the provisions of ~~section~~ 75-7702;

~~(11)~~ (10) consider applications for ~~post-secondary~~ postsecondary vocational-technical center designation in

1 accordance with the provisions of ~~section~~ 75-7707;

2 ~~(12)~~ (11) for the purposes of ~~post-secondary~~

3 ~~postsecondary~~ vocational-technical centers, approve or

4 disapprove programs and budgets, direct the distribution of

5 moneys in support of such budgets, determine tuition rates

6 and fees, and enter into lease agreements or real property

7 purchases in accordance with the ~~post-secondary~~

8 ~~postsecondary~~ vocational-technical center provisions of the

9 vocational education chapter of this ~~Title~~ title;

10 ~~(13)~~ (12) adopt policies for the conduct of special

11 education in accordance with the provisions of ~~section~~

12 75-7802;

13 ~~(14) supervise community college districts in~~

14 ~~accordance with the provisions of sections 75-8103 and~~

15 ~~75-8119;~~

16 ~~(15) call an election, determine the results of the~~

17 ~~election, order and implement the organization of a community~~

18 ~~college district in accordance with the community college~~

19 ~~districts chapter of this Title, and~~

20 ~~(16)~~ (13) perform any other duty prescribed from time to

21 time by this ~~Title~~ title or any other act of the

22 legislature."

23 Section 2. There is a new R.C.M. section numbered

24 75-5607.1 that reads as follows:

25 75-5607.1. Regents to supervise community college

1 districts. The board of regents of higher education shall:

2 (1) supervise community college districts in

3 accordance with the provisions of 75-8103 and 75-8119; and

4 (2) call an election, determine the results of the

5 election, and order and implement the organization of a

6 community college district in accordance with the community

7 college districts chapter of this title.

8 Section 3. Section 75-5707, R.C.M. 1947, is amended to

9 read as follows:

10 "75-5707. ~~Powers and duties~~ Supervision of schools.

11 The superintendent of public instruction ~~shall have~~ has the

12 general supervision of the public schools and districts of

13 the state, and he ~~shall have the power and~~ shall perform

14 the following duties or acts in implementing and enforcing

15 the provisions of this ~~Title~~ title:

16 (1) resolve any controversy resulting from the

17 proration of joint costs by a joint board of trustees under

18 the provisions of ~~section~~ 75-5929;

19 (2) issue, renew, or deny teacher certification and

20 emergency authorizations of employment and give notice of

21 teacher certification suspension or revocation proceedings

22 to be conducted by the board of public education in

23 accordance with the provisions of the teacher certification

24 chapter of this ~~Title~~ title;

25 (3) negotiate reciprocal tuition agreements with other

1 states in accordance with the provisions of ~~section~~ 75-6318;  
 2  
 3 ~~(4) pay the tuition for the residents of the Montana~~  
 4 ~~children's center at Twin Bridges high school in accordance~~  
 5 ~~with the provisions of section 75-6319.~~  
 6 ~~(5)(4)~~ serve on the teachers' retirement board in  
 7 accordance with the provisions of ~~section 75-6203~~ 82A-212;  
 8 ~~(6)(5)~~ prescribe absentee voting forms and rules in  
 9 accordance with the provisions of ~~section~~ 75-6416;  
 10 ~~(7)(6)~~ approve or disapprove the orders of a high  
 11 school boundary commission in accordance with the provisions  
 12 of ~~section~~ 75-6528;  
 13 ~~(8)(7)~~ approve or disapprove the opening or reopening  
 14 of a school in accordance with the provisions of ~~sections~~  
 15 75-6602, 75-6603, 75-6604, or 75-6605;  
 16 ~~(9)(8)~~ approve or disapprove school isolation within  
 17 the limitations prescribed by ~~section~~ 75-6608;  
 18 ~~(10)(9)~~ generally supervise the school budgeting  
 19 procedures prescribed by law in accordance with the  
 20 provisions of ~~section~~ 75-6702, and prescribe the school  
 21 budget format in accordance with the provisions of ~~section~~  
 22 75-6704 and 75-7209;  
 23 ~~(11)(10)~~ establish a system of communication for  
 24 calculating joint district revenues in accordance with the  
 25 provisions of ~~section~~ 75-6721;  
 26 ~~(12)(11)~~ approve or disapprove the adoption of a

1 district's emergency budget resolution under the conditions  
 2 prescribed in ~~section~~ 75-6725, and publish rules and  
 3 regulations for an application for additional state aid for  
 4 an emergency budget in accordance with the approval and  
 5 disbursement provisions of ~~section~~ 75-6729;  
 6 ~~(13)(12)~~ generally supervise the school financial  
 7 administration provisions as prescribed by ~~section~~ 75-6802;  
 8 ~~(14)(13)~~ appoint the responsible county officials for  
 9 the performance of the budgeting duties and the financial  
 10 administration duties for a joint district in accordance  
 11 with the provisions of ~~sections~~ 75-6720 and 75-6803;  
 12 ~~(15)(14)~~ prescribe and furnish the annual report forms  
 13 to enable the districts to report to the county  
 14 superintendent in accordance with the provisions of  
 15 ~~subsection (5) of section~~ 75-6806 (5), and the annual report  
 16 forms to enable the county superintendents to report to the  
 17 superintendent of public instruction in accordance with the  
 18 provisions of ~~section~~ 75-5809;  
 19 ~~(16)(15)~~ approve, disapprove, or adjust an increase of  
 20 the average number belonging (ANB) in accordance with the  
 21 provisions of ~~sections~~ 75-6903 and 75-6904;  
 22 ~~(17)(16)~~ distribute state equalization aid in support  
 23 of the foundation program in accordance with the provisions  
 24 of ~~sections~~ 75-6908, 75-6918, and 75-6919;  
 25 ~~(18)(17)~~ estimate the ~~state-wide~~ statewide equalization

1 level for the foundation program in accordance with the  
2 provisions of ~~section~~ 75-6920;

3 ~~(19)~~ (18) distribute state impact aid in accordance with  
4 the provisions of ~~section~~ 75-6925;

5 ~~(20)~~ (19) provide for the uniform and equal provision of  
6 transportation by performing the duties prescribed by the  
7 provisions of ~~section~~ 75-7005;

8 ~~(21)~~ (20) approve or disapprove an adult education  
9 program for which a district proposes to levy a tax in  
10 accordance with the provisions of ~~section~~ 75-7207;

11 ~~(22)~~ (21) request, accept, deposit, and expend federal  
12 moneys in accordance with the provisions of ~~section~~ 75-7303;

13 ~~(23)~~ (22) authorize the use of federal moneys for the  
14 support of an interlocal ~~co-operative~~ cooperative agreement  
15 in accordance with the provisions of ~~sections~~ 75-7306 and  
16 75-7307;

17 ~~(24)~~ (23) prescribe the form and contents of and approve  
18 or disapprove interstate contracts in accordance with the  
19 provisions of ~~section~~ 75-7308;

20 ~~(25)~~ (24) approve or disapprove the conduct of school on  
21 a Saturday or on pupil-instruction-related days in  
22 accordance with the provisions of ~~sections~~ 75-7404 and  
23 75-7405;

24 ~~(26)~~ (25) recommend standards of accreditation for all  
25 schools to the board of public education, and evaluate

1 compliance with such standards and recommend accreditation  
2 status of every school to the board of public education in  
3 accordance with the provisions of ~~sections~~ 75-7501 and  
4 75-7502;

5 ~~(27)~~ (26) collect and maintain a file of curriculum  
6 guides and assist schools with instructional programs in  
7 accordance with the provisions of ~~sections~~ 75-7505 and  
8 75-7506;

9 ~~(28) recommend the scope of conservation education in~~  
10 ~~the schools to the board of education in accordance with the~~  
11 ~~provisions of section 75-7509;~~

12 ~~(29)~~ (28) (27) establish and maintain a library of  
13 visual, aural, and other educational media in accordance  
14 with the provisions of ~~section~~ 75-7511;

15 ~~(30)~~ (29) (28) license textbook dealers, maintain a  
16 textbook library, initiate prosecution of textbook dealers  
17 violating the law, and supply a textbook listing in  
18 accordance with the provisions of the textbooks chapter of  
19 this ~~Title~~ title;

20 ~~(31)~~ (30) (29) administer and perform the duties as the  
21 executive officer of the board of public education for  
22 vocational education in accordance with the provisions of  
23 ~~section~~ 75-7703;

24 ~~(32)~~ (31) (30) consider applications for the designation  
25 of a ~~post-secondary~~ postsecondary vocational-technical

1 center in accordance with the provisions of ~~section~~ 75-7707;  
 2 ~~(32)(32)(31)~~ establish a fund for the handling of  
 3 ~~post-secondary~~ postsecondary vocational-technical center  
 4 fees in accordance with the provisions of ~~section~~ 75-7714;  
 5 ~~(34)(33)(32)~~ supervise and ~~co-ordinate~~ coordinate the  
 6 conduct of special education in the state in accordance with  
 7 the provisions of ~~section~~ 75-7803;  
 8 ~~(35)(34)(33)~~ administer the traffic education program  
 9 in accordance with the provisions of ~~section~~ 75-7904;  
 10 ~~(36)(35)(34)~~ administer the school food services  
 11 program in accordance with the provisions of ~~sections~~  
 12 75-8002, 75-8003, and 75-8004;  
 13 ~~(37) determine the result of an organization election~~  
 14 ~~for a community college district and the related election of~~  
 15 ~~trustees in accordance with the provisions of section~~  
 16 ~~75-8112;~~  
 17 ~~(38)(36)(35)~~ review school building plans and  
 18 specifications in accordance with the provisions of ~~section~~  
 19 75-8206;  
 20 ~~(39)(37)(36)~~ publish and distribute fire danger books  
 21 in accordance with the provisions of ~~section~~ 75-8309;  
 22 ~~(40)(38)(37)~~ prescribe the method of identification and  
 23 signals to be used by school safety patrols in accordance  
 24 with the provisions of ~~section~~ 75-8310; and  
 25 ~~(41)(39)(38)~~ perform any other duty prescribed from

1 time to time by this ~~Title~~ title, any other act of the  
 2 legislature, or the policies of the board of public  
 3 education."  
 4 Section 4. Section 75-5805, R.C.M. 1947, is amended to  
 5 read as follows:  
 6 "75-5805. County superintendent — ~~Powers powers~~ and  
 7 duties. The county superintendent ~~shall have~~ has general  
 8 supervision of the schools of the county within the  
 9 limitations prescribed by this ~~Title~~ title and shall perform  
 10 the following duties or acts:  
 11 (1) determine, establish, and ~~re-establish~~ reestablish  
 12 trustee nominating districts, and fill additional trustee  
 13 position vacancies in accordance with the provisions of  
 14 ~~sections~~ 75-5903, 75-5904, and 75-5905;  
 15 (2) administer and file the oaths of members of the  
 16 boards of trustees of the districts in his county in  
 17 accordance with the provisions of ~~section~~ 75-5916;  
 18 (3) fill by appointment any trustee position vacancies  
 19 when required under the provisions of ~~section~~ 75-5918;  
 20 (4) register the teacher certificate or emergency  
 21 authorization of employment of any person employed in the  
 22 county as a teacher, principal, or district superintendent  
 23 in accordance with the provisions of ~~section~~ 75-6106;  
 24 (5) act on each tuition application submitted to him  
 25 in accordance with the provisions of ~~sections~~ 75-6313,

1 75-6314, 75-6315, and 75-6316, and transmit the tuition  
2 information required by ~~section~~ 75-6317;

3 (6) file a copy of the audit report for a district ~~or~~  
4 ~~a school's extracurricular fund~~ in accordance with the  
5 provisions of ~~sections~~ 75-6807 ~~or~~ 75-6323;

6 (7) classify districts in accordance with the  
7 provisions of ~~section~~ 75-6503;

8 (8) keep a transcript and reconcile the district  
9 boundaries of the county in accordance with the provisions  
10 of ~~section~~ 75-6504;

11 (9) fulfill all responsibilities assigned to him under  
12 the provisions of this ~~Title title~~ regulating the  
13 organization, alteration, or abandonment of districts;

14 (10) act on any unification proposition and, if  
15 approved, establish additional trustee nominating districts  
16 in accordance with ~~sections~~ 75-6538 and 75-6539;

17 (11) estimate the average number belonging (ANB) of an  
18 opening school in accordance with the provisions of ~~sections~~  
19 75-6602, 75-6603, 75-6604, or 75-6606;

20 (12) process and, when required, act on school  
21 isolation applications in accordance with the provisions of  
22 ~~section~~ 75-6608;

23 (13) complete the budgets, compute the budgeted  
24 revenues and tax levies, give notices of the budget  
25 meetings, file final and emergency budgets, and fulfill such

1 other responsibilities assigned to him under the provisions  
2 of this ~~Title title~~ regulating school budgeting systems;

3 (14) submit an annual financial report to the  
4 superintendent of public instruction in accordance with the  
5 provisions of ~~section~~ 75-6804;

6 (15) quarterly, unless otherwise provided by law, order  
7 the county treasurer to apportion state moneys, county  
8 school moneys, and any other school moneys subject to  
9 apportionment in accordance with the provisions of ~~75-6805,~~  
10 ~~sections~~ 75-6909, 75-6914, 75-6919, 75-6921, 75-7022, ~~or~~  
11 75-7023, ~~or~~ 75-6806;

12 (16) act on any request to transfer average number  
13 belonging (ANB) in accordance with the provisions of  
14 subsection (3) of ~~section~~ 75-6903;

15 (17) calculate the estimated, budgeted general fund  
16 sources of revenue in accordance with the provisions of  
17 ~~section~~ 75-6911 and 75-6920, and the other general fund  
18 revenue provisions of the general fund chapter of this ~~Title~~  
19 ~~title~~;

20 (18) compute the revenues and the district and county  
21 levy requirements for each fund included on each district's  
22 final budget, and report such computations to the board of  
23 county commissioners in accordance with the provisions of  
24 the general fund, transportation, bonds, and other school  
25 funds chapters of this ~~Title title~~;

1 (19) file and forward bus driver certifications,  
 2 transportation contracts, and state transportation  
 3 reimbursement claims in accordance with the provisions of  
 4 ~~sections~~ 75-7003, 75-7020, or 75-7022;

5 (20) for districts which do not employ a district  
 6 superintendent or principal, recommend library book and  
 7 textbook selections in accordance with the provisions of  
 8 ~~sections~~ 75-7519 or 75-7603;

9 (21) notify the superintendent of public instruction of  
 10 a textbook dealer's activities when required under the  
 11 provisions of ~~section~~ 75-7607, and otherwise comply with the  
 12 textbook dealer provisions of this ~~Title~~ title;

13 (22) act on district requests to allocate federal  
 14 moneys for indigent children for school food services in  
 15 accordance with the provisions of ~~section~~ 75-8006; and

16 (23) perform any other duty prescribed from time to  
 17 time by this ~~Title~~ title, any other act of the legislature,  
 18 the policies of the board of public education, or the rules  
 19 ~~and regulations~~ of the superintendent of public  
 20 instruction."

21 Section 5. Section 75-5918, R.C.M. 1947, is amended to  
 22 read as follows:

23 "75-5918. Filling vacated trustee position, appointee  
 24 qualification, and term of office. (1) Whenever a trustee  
 25 position becomes vacant in any district except a ~~third-class~~

1 ~~third-class~~ district, the remaining members of the trustees  
 2 shall declare such position vacant and they shall appoint,  
 3 in writing, a competent person as a successor. The trustees  
 4 shall notify the appointee and the county superintendent of  
 5 such appointment.

6 (2) Whenever a trustee position becomes vacant in a  
 7 ~~third-class~~ third-class district, the remaining members of  
 8 the trustees shall declare such position vacant and notify  
 9 the county superintendent of the vacancy. The county  
 10 superintendent shall appoint, in writing, a competent person  
 11 as a successor and notify such person of his appointment.

12 (3) Any person who has been appointed to a trustee  
 13 position shall qualify by completing and filing an oath of  
 14 office with the county superintendent within ~~in not less~~  
 15 ~~than fifteen~~ ~~(15)~~ days after receiving notice of his  
 16 appointment. Failure to file the oath of office shall  
 17 constitute a continuation of the trustee position vacancy  
 18 which shall be filled under the provisions of this section.

19 (4) Any person assuming a trustee position under the  
 20 provisions of this section shall serve until the next  
 21 regular school election and his successor has qualified."

22 Section 6. Section 75-5932, R.C.M. 1947, is amended to  
 23 read as follows:

24 "75-5932. General powers and duties and record of  
 25 acts. (1) The trustees of each district shall ~~have the power~~



1 ~~and it shall be its duty to~~ prescribe and enforce policies  
2 for the government of the district. In order to provide a  
3 comprehensive system of governing the district, the trustees  
4 shall:

5 ~~(1)(a)~~ adopt the policies required by this title; and

6 ~~(2)(b)~~ adopt policies to implement or administer the  
7 requirements of the general law, this ~~title title~~, the  
8 policies of the board of public education, ~~or and~~ the rules  
9 ~~and regulations~~ of the superintendent of public instruction.

10 (2) The trustees shall keep a full and permanent  
11 record of all adopted policies and all other acts of the  
12 trustees. Minutes of each regular and special board  
13 meeting shall include wording of motions, voting records of  
14 each trustee present, and all other pertinent information,  
15 including a detailed statement of all expenditures of money,  
16 with the name of any person or business to whom payment is  
17 made, and showing the service rendered or goods furnished. A  
18 written copy of the minutes shall be made available within  
19 ~~five~~ (5) working days following the approval of the minutes  
20 by the board, at a cost of no more than ~~fifteen~~ 15 cents  
21 ~~(\$-15) per~~ a page to be paid by those who request such a  
22 copy. One free copy of the minutes shall be provided to the  
23 local press within ~~five~~ (5) working days following the  
24 approval of the minutes by the board. The board shall  
25 approve the minutes of each special and regular meeting no

1 later than ~~one~~ (1) month following the meeting. If a board  
2 does not regularly meet on a monthly basis, a meeting of the  
3 trustees shall be called no later than ~~one~~ (1) month  
4 following each regular meeting for the purpose of approving  
5 the minutes of the previous meeting."

6 Section 7. Section 75-5935, R.C.S. 1947, is amended to  
7 read as follows:

8 "75-5935. Clerk of the district. As provided in  
9 ~~section~~ 75-5927, the trustees shall employ and appoint a  
10 clerk of the district. ~~It shall be the duty of the~~ The clerk  
11 of the district ~~to shall~~ attend all meetings of the trustees  
12 to keep an accurate and permanent record of all the  
13 proceedings of each meeting. If the clerk is not present at  
14 a meeting, the trustees shall have one of ~~its~~ their members  
15 or a district employee act as clerk for ~~each~~ the meeting,  
16 and such person shall supply the clerk with a certified copy  
17 of the proceedings. The clerk of the district also shall be  
18 the custodian of all documents, records, and reports of the  
19 trustees. Unless the trustees provide otherwise, the clerk  
20 shall:

21 (1) keep an accurate and detailed accounting record of  
22 all receipts and expenditures of the district in accordance  
23 with the financial administration provisions of this ~~title~~  
24 title; and

25 (2) prepare the annual trustees' report required under

1 the provisions of subsection (5) of ~~section~~ 75-6806~~4~~ and~~2~~

2 ~~(3) make an annual census of all the children of the~~  
3 ~~district in accordance with sections 75-5936 and 75-5937."~~

4 Section 8. Section 75-6304, R.C.M. 1947, is amended to  
5 read as follows:

6 "75-6304. Compulsory attendance and excuses. Any  
7 parent, guardian, or other person who is responsible for the  
8 care of any child who is ~~seven~~ ~~(7)~~ years of age or older  
9 prior to the first day of school in any school fiscal year,  
10 ~~but~~ has not yet reached his ~~sixteenth~~ 16th birthday, ~~or of a~~  
11 ~~child who~~ and has not completed the work of the eighth  
12 grade, shall cause the child to attend the school in which  
13 he is enrolled for the school term and each school day  
14 therein prescribed by the trustees of the district unless:

15 (1) the child has been excused under one of the  
16 conditions specified in ~~section~~ 75-6303;

17 (2) the child is absent because of illness,  
18 bereavement, or other reason prescribed by the policies of  
19 the trustees; or

20 (3) the child has been suspended or expelled under the  
21 provisions of ~~section~~ 75-6311."

22 Section 9. Section 75-6313, R.C.M. 1947, is amended to  
23 read as follows:

24 "75-6313. Elementary tuition with mandatory approval.

25 (1) Any child may be enrolled in and attend an elementary

1 school outside of the elementary district in which he  
2 resides when such elementary school is located:

3 ~~(1)~~ (a) in any other district of the county of his  
4 residence;

5 ~~(2)~~ (b) in a county adjoining his county of residence;  
6 or

7 ~~(3)~~ (c) in a district of another state that is adjacent  
8 to the county of his residence.

9 (2) When a parent or guardian of a child wishes to  
10 have his child attend a school under the provisions of this  
11 section, he shall apply to the county superintendent of the  
12 county of his residence before ~~the first day of~~ July 1 of  
13 the school fiscal year for which he seeks approval except in  
14 those cases when substantial changes in circumstances  
15 occurred subsequently to justify later application. ~~Such~~ The  
16 application shall be made on a tuition agreement form  
17 supplied by the county superintendent and shall be approved,  
18 before permission to enroll in and attend school outside of  
19 the district under the provisions of this section may be  
20 granted, by:

21 ~~(1)~~ (a) the trustees of the elementary district in  
22 which the child resides;

23 ~~(2)~~ (b) the trustees of the district where the child  
24 wishes to attend school; and

25 ~~(3)~~ (c) the county superintendent of the child's

1 residence, ~~before permission to enroll in and attend a~~  
2 ~~school outside of the district under the provisions of this~~  
3 ~~section shall be granted.~~

4 (3) In considering the approval of a tuition  
5 application, the tuition approval agents prescribed in this  
6 section shall approve such application for a resident child  
7 when:

8 (3)(a) the child resides less than ~~three (3)~~ miles  
9 from the school which he wishes to attend and more than  
10 ~~three (3)~~ miles from any school of his resident elementary  
11 district;

12 (3)(b) the child resides more than ~~three (3)~~ miles  
13 from any school of his resident elementary district and such  
14 district does not provide transportation under the  
15 provisions of this ~~title title~~;

16 (3)(c) the child resides more than ~~three (3)~~ miles  
17 from any school of his resident elementary district, and the  
18 resident district does not provide transportation under the  
19 provisions of this ~~title title~~, and school bus  
20 transportation is furnished by the district operating the  
21 school which he wishes to attend;

22 (4)(d) the child is a member of a family who must send  
23 another child outside of the elementary district to attend  
24 high school and the child of elementary age may more  
25 conveniently attend an elementary school where the high

1 school is located, provided ~~such~~ the child resides more  
2 than ~~three (3)~~ miles from an elementary school of the  
3 resident district or the parent must move to the elementary  
4 district where the high school is located in order to enroll  
5 the other child in high school; or

6 (5)(e) the child has been declared by a ~~district~~ court  
7 of competent jurisdiction to be an abused, neglected, or  
8 dependent ~~a dependent and neglected~~ child, as defined in  
9 ~~section 10-504~~ 10-1301, R.C.M., 1947, or a juvenile  
10 delinquent child youth, as defined in 10-1203, ~~section~~  
11 10-602, R.C.M., 1947, and ~~such child~~ has been ordered to be  
12 placed in a ~~day~~ licensed child care institution which is  
13 also approved by the state department of social and  
14 rehabilitation services public welfare, and as a result of  
15 the order the child is required to attend elementary school  
16 outside of the district of his residence. For purposes of  
17 this subsection the prescribed geographic relationship of  
18 the receiving district to the district of residence ~~shall~~  
19 does not apply.

20 (4) The trustees of the district where the school to  
21 be attended is located ~~shall have the authority to say~~  
22 disapprove a tuition agreement that satisfies any of the  
23 mandatory approval conditions specified in subsections  
24 ~~(3)(a), (3)(b), (3)(c), (4)(3)(d), or (5)(3)(e)~~  
25 above when they ~~shall~~ find that due to insufficient room and

1 overcrowding the accreditation of the school would be  
2 adversely affected by the acceptance of the child. In the  
3 event of disapproval, the trustees shall so notify the  
4 parent in writing within ~~fifteen~~ (15) days of the first  
5 receipt of the application."

6 Section 10. Section 75-6410, R.C.M. 1947, is amended  
7 to read as follows:

8 "75-6410. Qualifications of elector. ~~Every~~ (1) Except  
9 as provided in subsection (2), each person is entitled to  
10 vote at school elections if he has all of the following  
11 qualifications:

12 (1)(a) He has registered to vote with the county  
13 registrar as a resident in the school district in which he  
14 resides and proposes to vote in the manner provided by the  
15 general state election laws except in regard to the closure  
16 of elector registration as provided in ~~section~~ 75-6413<sub>2</sub>.

17 (2)(b) He is ~~eighteen~~ (18) years of age or older<sub>2</sub>.

18 (3)(c) He has been a resident of Montana for at least  
19 ~~thirty~~ (30) days<sub>2</sub> and

20 (4)(d) He is a citizen of the United States.

21 (2) No person convicted of a felony has the right to  
22 vote while he is serving a sentence in a penal institution.

23 (3) No person adjudicated to be mentally incompetent  
24 ~~of unsound mind~~ has the right to vote unless he has been  
25 restored to capacity as provided by law."

1 Section 11. Section 75-6412, R.C.M. 1947, is amended  
2 to read as follows:

3 "75-6412. Elector challenges. (1) An elector may  
4 challenge the qualifications of another elector under the  
5 provisions of ~~section~~ 23-3015. Any person offering to vote  
6 in a school election may be challenged by any elector of the  
7 district on any of the grounds for challenge established in  
8 ~~section~~ 23-3611, R.C.M., 1947. ~~Such~~ The challenge shall be  
9 determined in the same manner, using the same oath as  
10 provided in chapter 36 of Title 23, R.C.M., 1947.

11 (2) Any person who ~~shall have~~ has been challenged  
12 under any of the provisions of this section and who ~~shall~~  
13 ~~swear~~ swears or ~~affirm~~ affirms falsely before any school  
14 election judge ~~shall be~~ is guilty of ~~perjury~~ false swearing  
15 ~~and shall be punished accordingly.~~ is punishable as provided  
16 in 94-7-203."

17 Section 12. Section 75-6523, R.C.M. 1947, is amended  
18 to read as follows:

19 "75-6523. ~~Counter-proposed~~ Counterproposed high school  
20 district boundaries by electors and election. (1) Whenever  
21 a high school boundary commission issues an order to change  
22 high school district boundary lines, ~~twenty per cent~~ (20%)  
23 or more of the electors of any elementary district with  
24 territory affected by the high school boundary change who  
25 are qualified to vote under ~~the provisions of section~~

1 75-6410 may protest the boundaries established by the order  
 2 of the commission within ~~thirty (30)~~ 30 days after the date  
 3 of ~~the such~~ order. ~~Such~~ The protest shall be in the form of  
 4 a petition addressed to the county superintendent and it  
 5 shall provide a ~~counter-proposition~~ counterproposition to  
 6 the new high school boundaries established by the order of  
 7 the commission for the disposition of the territory of the  
 8 elementary district for high school districting purposes.  
 9 The provisions of this section shall not be used in  
 10 elementary districts that have approved high school  
 11 boundaries under ~~the provisions of section~~ 75-6522.

12 (2) When the county superintendent receives a valid  
 13 petition from an elementary district, he shall, within ~~ten~~  
 14 ~~(10)~~ days after the receipt of ~~such~~ the petition, and ~~as~~  
 15 ~~provided by section 75-6423~~, order the trustees of ~~such~~ the  
 16 elementary district to call an election to consider the high  
 17 school boundary ~~counter-proposition~~ counterproposition  
 18 described in the ~~such~~ petition. The trustees shall call and  
 19 conduct the election in the manner prescribed in this Title  
 20 title for school elections. An elector who may vote on the  
 21 proposition shall be qualified to vote under ~~the provisions~~  
 22 ~~of section~~ 75-6410. If a majority of the electors voting at  
 23 the election approve the ~~counter-proposition~~  
 24 counterproposition, the high school boundaries described by  
 25 the ~~counter-proposition~~ counterproposition shall be

1 approved, and the order of the high school boundary  
 2 commission shall be amended to establish such high school  
 3 boundaries. If a majority of the electors voting at ~~such~~ the  
 4 election disapprove the ~~counter-proposition~~  
 5 counterproposition, the order of the high school boundary  
 6 commission shall be confirmed and shall be final."

7 Section 13. Section 75-6606, R.C.M. 1947, is amended  
 8 to read as follows:

9 "75-6606. Budgeting and cost-sharing when junior high  
 10 school operated by elementary district and high school  
 11 district operating a county high school. (1) Whenever the  
 12 opening of a junior high school is approved for the ensuing  
 13 school fiscal year under ~~the provisions of section~~ 75-6605,  
 14 the county superintendent shall estimate the average number  
 15 belonging (ANB) after investigating the probable enrollment  
 16 for the junior high school. The ANB determined by the county  
 17 superintendent and the ANB actually realized in subsequent  
 18 school fiscal years shall be applied under ~~the provisions of~~  
 19 ~~subsection (10) of section~~ 75-6905 to prorate the  
 20 ~~maximum-general-fund-budget-without-a-voted-levy~~ between the  
 21 elementary and high school districts. Each district shall  
 22 adopt its general fund budget on the basis of ~~such~~ the  
 23 prorated amount and shall finance its proportionate share of  
 24 the cost of operating the junior high school.

25 (2) The cost of operating the junior high school shall

1 be prorated between the elementary district and the high  
 2 school district on the basis of the ratio that the number of  
 3 pupils of their district is to the total enrollment of the  
 4 junior high school."

5 Section 14. Section 75-6701, R.C.M. 1947, is amended  
 6 to read as follows:

7 "75-6701. Application of budget system for districts.  
 8 The school budgeting procedure and provisions of this ~~Title~~  
 9 ~~title shall~~ apply to elementary, and high school ~~and~~  
 10 ~~community-college~~ districts, and to all funds requiring the  
 11 adoption of a budget. Each district shall separately propose  
 12 and adopt a budget in accordance with the requirements of  
 13 this ~~Title~~ title."

14 Section 15. Section 75-6802, R.C.M. 1947, is amended  
 15 to read as follows:

16 "75-6802. Application of law and superintendent of  
 17 public instruction supervision. The school financial  
 18 administration provisions of this ~~Title~~ title shall apply to  
 19 all moneys of any elementary or high school district ~~or any~~  
 20 ~~community-college~~ district, ~~excepting~~ except the  
 21 ~~extra-curricular~~ extracurricular moneys realized from pupil  
 22 activities. The superintendent of public instruction ~~shall~~  
 23 has ~~have~~ general ~~supervision~~ supervisory authority over the  
 24 school financial administration provisions as prescribed by  
 25 law and shall ~~have the duty to~~ establish such rules ~~and~~

1 ~~regulations~~ as are necessary to secure compliance with the  
 2 law."

3 Section 16. Section 75-6807, R.C.M. 1947, is amended  
 4 to read as follows:

5 "75-6807. Examination of district accounting records.  
 6 ~~(1)~~ The accounting records of all districts ~~first- and~~  
 7 ~~second-class~~ district ~~and each third-class~~ district  
 8 ~~maintaining a high school~~ shall be audited annually by the  
 9 department of community affairs ~~state examiner~~ in accordance  
 10 with 82-4516 ~~sections 82-1008, R.C.M., 1947~~.

11 ~~(2)~~ Annually and at such other times as directed by  
 12 the board of county commissioners or trustees, the county  
 13 auditor, or the county treasurer if there is no county  
 14 auditor, shall audit the accounting records of each  
 15 third-class district that does not maintain a high school.  
 16 Such district shall deliver all accounting records to the  
 17 auditing county official no later than ~~the fifteenth day of~~  
 18 July 15 for the audit of the financial activity of the last  
 19 completed school fiscal year. The auditing county official  
 20 shall examine the accounting records, prepare an audit  
 21 report, and shall:

22 ~~(4)~~ (a) return the accounting records to the district  
 23 no later than ~~the fifteenth day of~~ August 15;

24 ~~(2)~~ (b) send a copy of the audit report to the chairman  
 25 of the trustees; and

1 ~~(3)~~(c) file copies of the audit report with the county  
2 superintendent and the county clerk and recorder."

3 Section 17. Section 75-6808, R.C.M. 1947, is amended  
4 to read as follows:

5 "75-6808. Pecuniary interests, letting contracts, and  
6 calling for bids, under certain circumstances. (1) It shall  
7 ~~be~~ is unlawful for any trustee to:

8 ~~(4)~~(a) have any pecuniary interest, either directly or  
9 indirectly, in any contract for the erection of any school  
10 building, or for warming, ventilating, furnishing, or  
11 repairing the same; or

12 ~~(2)~~(b) be in any manner connected with the furnishing  
13 of supplies for the maintenance and operation of the  
14 schools; or

15 ~~(3)~~(c) be employed in any capacity by the school  
16 district of which he is trustee.

17 (2) Whenever the estimated cost of any building,  
18 furnishing, repairing, or other work for the benefit of the  
19 district or purchasing of supplies for the district, exceeds  
20 the sum of ~~four thousand dollars (\$4,000.00)~~, the work done,  
21 or the purchase made shall be by contract. Each such  
22 contract must be let to the lowest responsible bidder after  
23 advertisement for bids. Such advertisement shall be  
24 published in the newspaper which will give notice to the  
25 largest number of people of the district as determined by

1 the trustees. Such advertisement shall be made once each  
2 week for ~~two~~ 2 consecutive weeks and the second publication  
3 shall be made not less than ~~five~~ (5) days ~~or~~ or more than  
4 ~~twelve~~ (12) days before consideration of bids. ~~Any~~ A  
5 contract not let pursuant to this section shall be void.

6 ~~(3)~~ ~~In all cases where~~ Whenever bidding is required,  
7 the trustees shall award the contract to the lowest  
8 responsible bidder, except that the trustees ~~shall have the~~  
9 ~~right to~~ may reject any or all bids.

10 (4) With regard to contracting for work or supplies,  
11 the board of trustees of a community college district are  
12 ~~shall be~~ subject to the provisions of section 75-8118."

13 Section 18. Section 75-6914, R.C.M. 1947, is amended  
14 to read as follows:

15 "75-6914. Apportionment of county equalization moneys  
16 by county superintendent. The county superintendent shall  
17 separately apportion the revenues deposited in the basic  
18 county tax account and the revenues deposited in the basic  
19 special tax for high schools account to the several  
20 districts of the county on a quarterly basis. The ~~Such~~  
21 apportionments shall be known as "county equalization  
22 moneys."  
23 Before the county superintendent makes the  
24 quarterly apportionments, he shall:

25 (1) deduct from the revenues available in the basic  
county tax account, the amount required for the quarter to

1 pay the county's obligation for elementary transportation  
2 reimbursements; and

3 (2) deduct from the revenues available in the basic  
4 special tax for high schools account, the amount required  
5 ~~free for~~ the quarter to pay the county's obligation for high  
6 school out-of-county tuition."

7 Section 19. Section 75-7016, R.C.H. 1947, is amended  
8 to read as follows:

9 "75-7016. Determining residence. When the residence of  
10 an eligible transportee is a matter of controversy and is an  
11 issue before a board of trustees, a county transportation  
12 committee, or the superintendent of public instruction, ~~the~~  
13 ~~such~~ residence shall be established on the basis of the  
14 general state residence law as provided in ~~section~~ 83-303,  
15 R.C.H., ~~1947~~. ~~Where~~ ~~Whenever~~ any district or county is  
16 determined to be responsible for paying tuition for any  
17 pupil in accordance with ~~sections~~ 75-6313, 75-6314, and ~~or~~  
18 75-6316, the residence of the pupil for tuition purposes  
19 ~~shall be~~ ~~is~~ the residence of ~~such~~ ~~the~~ pupil for  
20 transportation purposes."

21 Section 20. Section 75-7017, R.C.H. 1947, is amended  
22 to read as follows:

23 "75-7017. Determination of mileage distances. When the  
24 mileage ~~district~~ distance that transportation services are  
25 to be provided is a matter of controversy and is an issue

1 before a board of trustees, a county transportation  
2 committee, or the superintendent of public instruction, ~~such~~  
3 ~~the~~ mileage shall be established on the following basis:

4 (1) The distance in mileage shall be measured by a  
5 vehicle equipped with an accurate odometer<sub>2</sub>.

6 (2) A representative of the applicable district and a  
7 parent or guardian of the child to be transported shall be  
8 present when the distance is measured<sub>2</sub>.

9 (3) The measurement shall begin ~~six~~ ~~(6)~~ yards from the  
10 family home and ~~end~~ ~~and~~ ~~six~~ ~~(6)~~ yards from the entrance of  
11 the school grounds closest to the route<sub>2</sub> and<sub>2</sub>.

12 (4) The route traversed for the measurement shall be  
13 the route designated by the trustees, except that ~~such~~ ~~the~~  
14 route shall be reasonably passable during the entire school  
15 fiscal year by the vehicle that provides the child's  
16 transportation. In determining reasonable passage, a route  
17 ~~shall~~ ~~may~~ not be disqualified because it is impassable  
18 during temporary, extreme weather conditions such as rains,  
19 snow, or floods."

20 Section 21. Section 75-7018, R.C.H. 1947, is amended  
21 to read as follows:

22 "75-7018. Schedule of maximum reimbursement by bus  
23 mileage rates. {1} The following bus mileage rates for  
24 school bus transportation constitute the maximum  
25 reimbursement to districts for school bus transportation



1 from state and county sources of transportation revenue  
 2 under the provisions of ~~sections~~ 75-7022 and 75-7023. These  
 3 rates shall not limit the amount which a district may budget  
 4 in its transportation fund budget in order to provide for  
 5 the estimated and necessary cost of school bus  
 6 transportation during the ensuing school fiscal year. Any  
 7 vehicle, the operation of which is the operation of any  
 8 vehicle reimbursed under the rate provisions of this  
 9 schedule, shall be a school bus, as defined by this ~~Title~~  
 10 title, driven by a qualified driver on a bus route approved  
 11 by the county transportation committee and the  
 12 superintendent of public instruction.

13 ~~(4)(2)~~ The rate per bus mile traveled shall be  
 14 determined in accordance with the following schedule when  
 15 the number of eligible transportees boarding such school bus  
 16 on an approved route is not less than ~~seventy-five per cent~~  
 17 ~~(75%)~~ of its rated capacity:

18 (a) ~~thirty-five~~ 35 cents ~~(\$.35)~~ per bus mile for a  
 19 school bus with a rated capacity of not less than ~~twelve~~  
 20 ~~(12)~~ but not more than ~~fifty~~ (50) children; and

21 (b) when the rated capacity is more than ~~fifty~~ (50)  
 22 children, an additional ~~two~~ 2 cents ~~(\$.02)~~ per bus mile for  
 23 each additional child in the rated capacity in excess of  
 24 ~~fifty~~ (50) shall be added to a base rate of 35 ~~thirty-five~~  
 25 cents ~~(\$.35)~~ per bus mile.

1 ~~(2)(3)~~ When the number of eligible transportees  
 2 boarding a school bus on an approved route is less than  
 3 ~~seventy-five per cent~~ (75%) of its rated capacity, the rate  
 4 per bus mile traveled shall be computed as follows:

5 (a) determine the number of eligible transportees  
 6 boarding the school bus on such route;

7 (b) multiply the number determined in subsection ~~(2)~~  
 8 (3) (a) by ~~twenty-five per cent~~ (25%) and round-off to the  
 9 nearest whole number;

10 (c) add the amount calculated in subsection ~~(2)~~ (3) (b)  
 11 to the number determined in subsection ~~(2)~~ (3) (a) to  
 12 determine the adjusted rated capacity for the bus; and

13 (d) use the adjusted rated capacity determined in  
 14 subsection ~~(2)~~ (3) (c) as the rated capacity of such bus to  
 15 determine the rate per bus mile traveled from the rate  
 16 schedule in subsection ~~(4)~~ (2) above.

17 (4) The rated capacity shall be the number of riding  
 18 positions of a school bus as determined under the policy  
 19 adopted by the board of public education."

20 Section 22. Section 75-7119, E.C.H. 1947, is amended  
 21 to read as follows:

22 "75-7119. Notice of sale of school district bonds. The  
 23 trustees shall cause the notice of the sale of the bonds to  
 24 be given. The notice shall state the purpose for which the  
 25 bonds are to be issued and the amount proposed to be issued,

1 and shall be substantially in the following form:

2 NOTICE OF SALE OF SCHOOL DISTRICT BONDS

3 Notice is hereby given by the trustees of School  
4 District No. .... of .... County, state of Montana, that the  
5 ~~said~~ trustees will on the .... day of ....., 19.., at the  
6 hour of .... o'clock .....M. at ....., in the ~~said~~ school  
7 district, sell to the highest and best bidder for cash,  
8 either amortization or serial bonds of the ~~said~~ school  
9 district in the total amount of .... dollars (\$....), for  
10 the purpose of .....

11 Amortization bonds will be the first choice and serial  
12 bonds will be the second choice of the trustees.

13 If amortization bonds are sold and issued, the entire  
14 issue may be put into one single bond or divided into  
15 several bonds, as the trustees may determine upon at the  
16 time of sale, both principal and interest to be payable in  
17 semiannual installments during a period of .... years from  
18 the date of issue.

19 If serial bonds are issued and sold they will be in the  
20 amount of .... dollars (\$....) each, ~~(.... dollars (\$....))~~  
21 the sum of .... dollars (\$....) of the ~~said~~ serial bonds  
22 will become payable on the .... day of ....., 19.., and the  
23 sum of .... dollars (\$....) will become payable on the same  
24 day each year thereafter until all of ~~each~~ the bonds are  
25 paid.

1 The bonds, whether amortization or serial bonds, will  
2 bear date of ....., 19.., and will bear interest at a rate  
3 not exceeding ~~seven per cent (7%)~~ per annum, payable  
4 semiannually, on the .... day of .... (month) and ....  
5 (month) in each year, and will be redeemable in full. (Here  
6 insert optional provisions, if any, to be recited on the  
7 bonds.)

8 The bonds will be sold for not less than their par  
9 value with accrued interest, and all bidders must state the  
10 lowest rate of interest at which they will purchase the  
11 bonds at par. ~~Such~~ The bonds shall be sold in open  
12 competition bidding, by written bids, or by sealed bids. The  
13 trustees reserve the right to reject any and all bids and to  
14 sell the ~~said~~ bonds at private sale.

15 All bids other than by or on behalf of the state board  
16 of land commissioners must be accompanied by money, a  
17 certified check, cashier's check, bank money order, or bank  
18 draft, drawn and issued by a national banking association  
19 located in Montana or by any banking corporation  
20 incorporated under the laws of Montana, in the sum of ....  
21 dollars (\$....) payable to the order of the district, which  
22 will be forfeited by the successful bidder in the event that  
23 he shall refuse to purchase the bonds.

24 All bids should be addressed to the undersigned  
25 district.



1       (4) Whenever any district has been abandoned, the  
2 endowment fund of ~~such~~ the abandoned district shall be  
3 transferred and placed in the endowment fund in the district  
4 to which the territory is attached.

5       (5) As the custodian of the endowment fund, the county  
6 treasurer ~~shall be~~ is liable on his official bond for the  
7 endowment fund of any district of the county. No later than  
8 ~~the first day of~~ July 1 of each school fiscal year, the  
9 county treasurer shall account to the trustees of each  
10 district on the condition of its endowment fund including  
11 the status of the investments that have been made with the  
12 money of the fund. The county treasurer shall also include  
13 the endowment fund in his reports to the board of county  
14 commissioners.

15       (6) The trustees of any district having an endowment  
16 fund shall provide suitable memorials for all persons or  
17 associations of persons making gifts to the district which  
18 become a part of the endowment fund."

19       Section 24. Section 75-7607, R.C.M. 1947, is amended  
20 to read as follows:

21       "75-7607. Notification and processing of complaint  
22 against a licensed textbook dealer. ~~(1) It shall be the~~  
23 ~~duty of any~~ a district or county superintendent ~~to shall~~  
24 notify the superintendent of public instruction whenever it  
25 is ascertained that a licensed textbook dealer is:

1       ~~(1) offering to supply textbooks without a license as~~  
2 ~~prescribed in section 75-7605;~~

3       ~~(2)(a)~~ offering to sell textbooks at a higher price  
4 than the listed, uniform sales price filed with the  
5 superintendent of public instruction;

6       ~~(2)(b)~~ offering to sell textbooks at a higher shipping  
7 point price than the shipping point price of the same  
8 textbooks distributed elsewhere in the United States; or

9       ~~(4)(c)~~ in any other way, performing contrary to the  
10 laws regulating the offering of textbooks for sale or  
11 adoption to districts.

12       (2) Upon receipt of such notification from the  
13 district or county superintendent, the superintendent of  
14 public instruction shall notify the appropriate licensed  
15 textbook dealer of the complaint. ~~Case~~ If the superintendent  
16 of public instruction ~~has found~~ finds that the licensed  
17 textbook dealer has violated any provision of this section  
18 and ~~he~~ the dealer fails to rectify his error within ~~thirty~~  
19 ~~(30)~~ days of the notification of the finding of a violation,  
20 he shall forfeit his surety bond. The attorney general, upon  
21 written request of the superintendent of public instruction,  
22 shall proceed to collect by legal action the full amount of  
23 the surety bond. Any amount so recovered shall be paid into  
24 the state public school equalization aid account."

25       Section 25. Section 75-7709, R.C.M. 1947, is amended

1 to read as follows:

2 \*75-7709. Sources of financing for ~~post-secondary~~  
3 ~~postsecondary~~ vocational-technical center budgets — board  
4 of public education administration. (1) The total of the  
5 budgets approved by the board of public education together  
6 with the budget for the cost of state administration of the  
7 ~~post-secondary~~ ~~postsecondary~~ vocational-technical centers  
8 shall constitute the total maximum approved, ~~state-wide~~  
9 ~~statewide~~ budget which shall be financed as follows:

10 (1)(a) The primary source of financing is to be those  
11 funds specifically designated by legislative enactment or  
12 referendum by the people for financing ~~post-secondary~~  
13 ~~postsecondary~~ vocational-technical education in Montana.

14 (2)(b) The board of county commissioners of each  
15 county in which a designated ~~post-secondary~~ ~~postsecondary~~  
16 vocational-technical center is located is hereby authorized  
17 to levy a tax of not to exceed one (1) mill on the dollar of  
18 all taxable property, real and personal, within the county  
19 for the support and maintenance of the ~~post-secondary~~  
20 ~~postsecondary~~ vocational-technical center located within the  
21 said county.

22 (3)(c) Designated ~~post-secondary~~ ~~postsecondary~~  
23 vocational-technical centers shall be eligible to receive  
24 such funds from the federal government as the board of  
25 public education may provide pursuant to applicable ~~acts~~ of

1 ~~Congress acts of congress.~~

2 (4)(d) The board of trustees of any designated high  
3 school district, or county high school district where a  
4 ~~post-secondary~~ ~~postsecondary~~ ~~vocational~~ ~~vocational-technical~~  
5 center is located may be required, as a condition for the  
6 construction in ~~such~~ ~~that~~ district of a ~~post-secondary~~  
7 ~~postsecondary~~ ~~vocational~~ ~~vocational-technical~~ center, or any  
8 part thereof, to furnish up to ~~fifty-percent~~ (50%) of the  
9 amount of funds required for any such construction. The  
10 percentage of construction funds to be furnished by ~~such~~ ~~the~~  
11 designated district shall be derived, in whole or in part,  
12 from any of the following sources:

13 (1)(i) ~~The~~ ~~the~~ sale of bonds issued by ~~such~~ ~~that~~  
14 district. ~~Such~~ ~~such~~ bonds shall be issued in conformity  
15 with the requirements of chapter 71 of ~~title~~ ~~Title~~ 75 in the  
16 case of high school and county high school district(s);

17 (2)(ii) ~~Any~~ ~~any~~ other funds available to ~~such~~ ~~that~~  
18 district which may be legally and properly applied toward  
19 such construction;

20 (3)(iii) ~~The~~ ~~the~~ reasonable value of land, buildings,  
21 fixtures, or equipment furnished by ~~such~~ ~~that~~ district,  
22 subject to the approval of the board of public education.

23 (4)(e) If the aggregate financing provided by sources  
24 of revenue in (4)(1)(a), (2)(1)(b), and (2)(1)(c) of this  
25 ~~section~~ does not provide ~~one hundred per cent~~ (100%)

1 financing of the maximum approved, ~~state-wide~~ statewide  
 2 budget, the remaining deficiency shall be financed from any  
 3 state funds appropriated by the legislature for  
 4 ~~post-secondary~~ postsecondary vocational-technical education.

5 (2) The board of public education shall direct the  
 6 distribution of the funds specified in subsections ~~(4)~~  
 7 (1)(a), ~~(4)(1)(c)~~, and ~~(5)(1)(e)~~ of this section on the  
 8 basis of the budgets approved by the board of public  
 9 education. The funds earned by the mill levy specified in  
 10 subsection ~~(4)(1)(b)~~ of this section shall be credited by  
 11 the county treasurer to the ~~post-secondary~~ postsecondary  
 12 vocational-technical center fund.

13 (3) The board of public education shall determine the  
 14 amount of financing available from these five sources of  
 15 revenue and may approve budgets for maintenance and  
 16 operation, construction, and ancillary services. The  
 17 aggregate amount of the budgets so approved by the board of  
 18 public education for ~~post-secondary~~ postsecondary  
 19 vocational-technical centers shall not exceed the moneys  
 20 determined to be available."

21 Section 26. Section 75-7801, R.C.M. 1947, is amended  
 22 to read as follows:

23 "75-7801. Definitions. As used in this ~~title~~ title,  
 24 unless the context clearly indicates otherwise, ~~the~~  
 25 following definitions apply:

1 (1) "Special education" means the kind of instruction  
 2 requiring special facilities or programs for mentally  
 3 retarded or physically handicapped children or for  
 4 educationally handicapped persons.

5 (2) A "mentally retarded child" means any child who is  
 6 not capable of profiting from the regular instruction of a  
 7 school because his mental ability is substantially below the  
 8 mental ability of an average child of the same age. Mentally  
 9 retarded children are classified as follows:

10 (a) An "educable mentally retarded child" means a  
 11 child who, at maturity, cannot be expected to attain a level  
 12 of intellectual functioning greater than that commonly  
 13 expected of an ~~eleven-year-old~~ 11-year old child, but not  
 14 less than that of a ~~seven-year-old~~ 7-year old child.

15 (b) A "trainable mentally retarded child" means a  
 16 child who, at maturity, cannot be expected to attain a level  
 17 of intellectual functioning greater than that commonly  
 18 expected of a ~~seven-year-old~~ 7-year old child and, for  
 19 entrance into a training program, is capable of walking, of  
 20 clean body habits, and of obedience to simple commands.

21 (c) A "custodial mentally retarded child" means a  
 22 child who does not show a likelihood of attaining clean body  
 23 habits, responsiveness to directions, or means of  
 24 intelligible communication.

25 (3) A "physically handicapped child" means a child who

1 is capable of profiting from the regular instruction with  
 2 the assistance of special equipment, special services, or  
 3 transportation to compensate for physical disabilities such  
 4 as, but not limited to, cardiac impairment, cerebral palsy,  
 5 chronic health problems, or inadequate speech, hearing, or  
 6 vision.

7 (4) An "educationally handicapped person" means a  
 8 child or young adult under the age of ~~twenty-one~~ (21) years  
 9 who requires special assistance to the extent that he cannot  
 10 reasonably profit from the regular education program. An  
 11 educationally handicapped person's learning disorders  
 12 include, but are not limited to, conditions which have been  
 13 referred to as visual perception handicaps, brain injury,  
 14 minimal brain dysfunction, dyslexia, behavioral  
 15 maladjustment, ~~and~~ or emotional disturbances. An  
 16 educationally handicapped person's disorders are not the  
 17 result of problems with visual acuity, hearing impairment,  
 18 physical handicaps, cultural or instructional factors, ~~and~~  
 19 or mental retardation."

20 Section 27. Section 75-8132, R.C.M. 1947, is amended  
 21 to read as follows:

22 "75-8132. Tax levy. On the second Monday of August,  
 23 the board of county commissioners of any county where a  
 24 community college district is located shall fix and levy a  
 25 tax on all the real and personal property within the

1 community college district, at the rate required to finance  
 2 the ~~three-(3) mandatory~~ mill levy prescribed by ~~subsection~~  
 3 ~~(4) of section 75-8128(2)~~ plus any approved additional levy.  
 4 When a community college district has territory in more than  
 5 one county, the board of county commissioners of each county  
 6 shall fix and levy the community college district tax on all  
 7 the real and personal property of the community college  
 8 district situated in its county."

9 Section 28. Section 75-8307, R.C.M. 1947, is amended  
 10 to read as follows:

11 "75-8307. Penalty. Unless otherwise specifically  
 12 provided by law, any person who ~~shall violate~~ violates any  
 13 ~~provisions~~ provision of this ~~title~~ title ~~shall be deemed is~~  
 14 guilty of a misdemeanor and, if convicted by a court of  
 15 competent jurisdiction, shall be ~~fined~~ punished by a fine of  
 16 not less than ~~twenty-dollars~~ (\$20) or more than ~~two-hundred~~  
 17 ~~dollars~~ (\$200), or by imprisonment in the county jail for  
 18 not less than ~~five~~ (5) days or more than ~~thirty~~ (30) days,  
 19 or ~~by~~ both such fine and imprisonment."

20 Section 29. Section 75-8312, R.C.M. 1947, is amended  
 21 to read as follows:

22 "75-8312. Educational impact statements defined --  
 23 when required. When a county superintendent of schools finds  
 24 that a person intends to construct or locate a major  
 25 industrial facility, as defined in ~~section~~ 75-7104, or

1 intends to open a new strip mine, as defined by ~~section~~  
 2 50-1603, within the county, the superintendent may require  
 3 such person to file with the county an educational impact  
 4 statement. An educational impact statement is a report  
 5 estimating the increased demands on public schools in the  
 6 county as a consequence of the major industrial facility or  
 7 strip mine. The statement shall indicate:

8 (1) the ~~numbers~~ number of persons, ~~and their~~  
 9 ~~anticipated residential distribution,~~ to be employed during  
 10 the construction or preparation, and during the operation of  
 11 the major industrial facility or strip mine and their  
 12 anticipated residential distribution;

13 (2) the ~~numbers~~ number and anticipated distribution of  
 14 persons employed in providing goods and services to the  
 15 persons enumerated in the preceding category;

16 (3) the ~~numbers~~ number of school age children  
 17 anticipated to be living with the persons enumerated in the  
 18 preceding categories; and

19 (4) the time periods covered by each preceding  
 20 estimate."

21 Section 30. Section 75-8404, R.C.M. 1947, is amended  
 22 to read as follows:

23 \*75-8404. Prohibition against use of name of system.

24 (1) The state has the exclusive right to the name "the  
 25 Montana university system".

1 (2) No other institution of learning, or corporation  
 2 shall may use the name "the Montana university system" or  
 3 similar name.

4 (3) The attorney general shall bring an action in the  
 5 name of the state against any person, association, or  
 6 corporation using the same or similar name.

7 (4) The penalty for violation of this section shall be  
 8 the dissolution of the corporation, and a fine in a sum not  
 9 exceeding ~~five hundred dollars~~ (\$500), ~~or~~ or less than ~~one~~  
 10 ~~hundred dollars~~ (\$100)."

11 Section 31. Section 75-8504, R.C.M. 1947, is amended  
 12 to read as follows:

13 \*75-8504. Borrowing by regents. In carrying out the  
 14 above powers, the regents may:

15 (1) ~~Borrow~~ borrow money for any purpose or purposes  
 16 stated in this chapter, including, if ~~deemed~~ considered  
 17 desirable by the regents, the payment of interest on the  
 18 money borrowed for a facility during the construction  
 19 thereof and for ~~one~~ {1} year thereafter and the creation of  
 20 a reserve for the payment of bond principal and interest;

21 (2) ~~make~~ make purchases on a time or installment  
 22 basis;

23 (3) ~~issue~~ issue bonds, notes, and other securities,  
 24 negotiable or otherwise, secured as provided in this  
 25 section, including bearer bonds with appurtenant interest



1 coupons, which shall be fully negotiable notwithstanding any  
2 limitation on the source of payment thereof, or fully  
3 registered bonds, or bonds registered as to ownership of  
4 principal only;

5 (4) ~~pledge~~ pledge for the payment of the purchase  
6 price of any facility or of the principal and interest on  
7 bonds, notes, or other securities authorized in this chapter  
8 or otherwise obligate:

9 (a) the net income received from rents, board, or both  
10 in housing, food service, and other facilities;

11 (b) receipts from student building, activity, union,  
12 and other special fees prescribed by the regents for all  
13 students; and

14 (c) other income in the form of gifts, bequests,  
15 contributions, federal grants of funds, including the  
16 proceeds or income from grants of lands or other real or  
17 personal property, receipts from athletic and other  
18 contests, exhibitions, and performances; and collections of  
19 admissions and other charges for the use of facilities  
20 including all use by other persons, firms, and corporations  
21 for athletic and other contests, exhibitions, and  
22 performances and for the conduct of their business,  
23 educational, or governmental functions;

24 (5) ~~make~~ make payments on loans or purchases from any  
25 other available income not obligated for ~~such~~ those

1 purposes, including receipts from sale of materials,  
2 equipment, and fixtures of ~~such~~ the facilities, or from  
3 sales of the facilities themselves other than land;

4 (6) ~~Secure~~ secure any bonds authorized hereunder by a  
5 trust indenture between the regents and any bank or trust  
6 company within or without the state of Montana, or by a  
7 resolution establishing covenants of the regents with the  
8 holders of such bonds, relating to the construction,  
9 operation, use, and insurance of the facilities; the  
10 segregation, expenditure, and audit of accounts of the bond  
11 proceeds and of the income pledged; the establishment and  
12 collection of rents, charges, admissions, and fees  
13 sufficient to provide net income adequate for prompt payment  
14 of principal and interest on bonds and creation and  
15 maintenance of reserves for that purpose; and such other  
16 matters as the regents may determine to be necessary or  
17 desirable for the security and marketability of the bonds;

18 (7) ~~Issue~~ issue and sell or exchange bonds, secured as  
19 provided in this section, for the refunding of any  
20 outstanding bonds or other obligations ~~heretofore~~ ~~or~~  
21 ~~hereafter~~ issued before or after January 29, 1971, by the  
22 regents, subject to the following provisions:

23 (a) ~~Refunding~~ refunding bonds may, with the consent of  
24 the holders of the bonds to be refunded thereby, be  
25 exchanged at par plus accrued interest for all or part of

1 such bonds, or may be sold at a price not less than par plus  
 2 accrued interest. They may be secured by a pledge of the  
 3 same revenue as the bonds refunded, or by a pledge of  
 4 different or additional revenues received at the same unit  
 5 of the university. Nothing herein shall require the holder  
 6 of any outstanding bond to accept payment thereof or the  
 7 delivery of a refunding bond in exchange therefor, except in  
 8 accordance with the terms of ~~each~~ the outstanding bond.  
 9 Bonds may be issued to refund interest as well as principal  
 10 actually due and payable, if the revenues pledged therefor  
 11 are not sufficient, but not to refund any bonds or interest  
 12 due which can be paid from revenues then on hand.

13 (b) ~~Refunding~~ refunding bonds may bear interest at a  
 14 rate lower or higher than the bonds refunded thereby, if  
 15 they are issued to refund matured principal or interest for  
 16 the payment of which revenues on hand are not sufficient, or  
 17 if they are issued to refund before maturity bonds issued  
 18 before January 1, 1965, for the purpose of releasing  
 19 revenues required for payment of the outstanding bonds  
 20 permitting the pledge thereof for the security of other  
 21 bonds as well as the refunding bonds, subject to the rights  
 22 of the holders of the outstanding bonds until those bonds  
 23 are fully paid and redeemed. Except as authorized in the  
 24 preceding sentence, refunding bonds shall not be issued  
 25 unless their average annual interest rate, computed to their

1 stated maturity dates and excluding any premium from such  
 2 computation, is at least ~~three-eighths of one per cent~~  $\{3/8$   
 3 ~~of 1%~~ less than the average annual interest rate on the  
 4 bonds refunded thereby, computed to their respective stated  
 5 maturity dates.

6 (c) ~~In~~ in any case where refunding bonds are issued  
 7 and sold ~~six~~  $(6)$  months or more before the earliest date on  
 8 which all bonds refunded thereby mature or are prepayable in  
 9 accordance with their terms, the proceeds of the refunding  
 10 bonds, including any premium and accrued interest, shall be  
 11 deposited in escrow with a suitable bank or trust company,  
 12 having its principal place of business within or without the  
 13 state, which is a member of the federal reserve system and  
 14 has a combined capital and surplus not less than ~~one~~ \$1  
 15 ~~million dollars~~  $(\$1,000,000)$  and shall be invested in ~~such~~  
 16 the amount and in securities maturing on ~~such~~ the dates and  
 17 bearing interest at ~~such~~ the rates ~~as shall~~ which will be  
 18 required to provide funds sufficient to pay when due the  
 19 interest to accrue on each bond refunded to its maturity or,  
 20 if it is prepayable, to the earliest prior date upon which  
 21 ~~such~~ the bond may be called for redemption from the proceeds  
 22 of the refunding bonds, and to pay and redeem the principal  
 23 amount of each ~~such~~ bond at maturity or, if prepayable, ~~at~~  
 24 ~~said~~ on that redemption date, and any premium required for  
 25 redemption on ~~such~~ that date, ~~and the~~ The resolution or

1 indentures authorizing the refunding bonds shall irrevocably  
 2 appropriate for these purposes the escrow fund and all  
 3 income therefrom, and shall provide for the call of all  
 4 prepayable bonds in accordance with their terms. The  
 5 securities to be purchased with such escrow funds shall be  
 6 limited to general obligations of the United States,  
 7 securities whose principal and interest payments are  
 8 guaranteed by the United States, and securities issued by  
 9 the following United States government agencies: banks for  
 10 ~~co-operative cooperatives~~, federal home loan banks, federal  
 11 intermediate credit banks, federal land banks, and the  
 12 federal national mortgage association. ~~Such~~ The securities  
 13 shall be purchased simultaneously with the delivery of the  
 14 refunding bonds.

15 (d) ~~Revenues revenues~~ or other funds on hand, in  
 16 excess of amount pledged by resolutions or indentures  
 17 authorizing outstanding bonds for the payment of principal  
 18 and interest currently due thereon and reserves securing  
 19 such payment, may be used to pay the expenses incurred by  
 20 the regents for the purpose of ~~such~~ refunding, including but  
 21 without limitation the cost of advertising and printing  
 22 refunding bonds, legal and financial advice and assistance  
 23 in connection therewith, and the reasonable and customary  
 24 charges of escrow agents and paying agents. Revenues and  
 25 other funds on hand, including reserves pledged for the

1 payment and security of outstanding revenue bonds, may be  
 2 deposited in an escrow fund created for the retirement of  
 3 ~~such those~~ bonds and may be invested and disbursed as  
 4 provided in subsection (c) hereof, to the extent consistent  
 5 with the resolutions or indentures authorizing such  
 6 outstanding bonds.

7 (8) ~~sell sell~~ bonds and sell or exchange refunding  
 8 bonds issued hereunder in ~~such the~~ manner and upon ~~such the~~  
 9 terms as to maturities, interest rates, and redemption  
 10 privileges, and for ~~such the~~ price, ~~as that~~ the regents  
 11 shall determine with the approval of the department of  
 12 administration state-controller."

13 Section 32. Section 75-8609, R.C.M. 1947, is amended  
 14 to read as follows:

15 "75-8609. Control of expenditures. Pursuant to the  
 16 terms of appropriations of the ~~legislative assembly~~  
 17 legislature or of ~~Congress congress~~ or of gifts of donors,  
 18 the regents shall determine the need for all expenditures,  
 19 and control the purposes for which all funds shall be spent,  
 20 subject to the provisions of the law dealing with state  
 21 purchases the state purchasing agent."

22 Section 33. Section 75-8703, R.C.M. 1947, is amended  
 23 to read as follows:

24 "75-8703. Presumptions and rules as to domicile.  
 25 (1) Unless the contrary appears to the unit registering

1 authority, it is presumed ~~that~~ the domicile of a minor is  
2 that:

3 ~~(1) The domicile of a minor is that:~~

4 (a) of the parents, or, if one of them is deceased or  
5 they do not share the same domicile, of the parent having  
6 legal custody, or, if neither parent has legal custody, the  
7 parent with whom the minor customarily resides; or

8 (b) of his guardian when the court appointing the  
9 guardian certifies that the primary purpose of the  
10 appointment is not to qualify the minor as a resident of  
11 this state; or,

12 (2) A resident student who marries a nonresident does  
13 not by that fact alone lose resident status for tuition and  
14 fee purposes for a period of ~~four~~ (4) years after marriage.

15 (3) Except as provided in the next subsection,  
16 residence is not gained or lost because of relocation as a  
17 member of the armed forces of the United States.

18 (4) Residence may be gained by a member of the armed  
19 forces of the United States, his spouse, or his children by  
20 living in Montana for ~~one~~ (1) year, and complying with the  
21 provisions of this section.

22 (5) A new domicile is established by a qualified  
23 person if he is physically present in Montana with no  
24 intention to acquire a domicile outside of Montana.

25 (6) Domicile is not lost by absence from Montana with

1 no intention to establish a new domicile.

2 (7) Montana high school graduates are resident  
3 students of the system for ~~four~~ (4) consecutive years of  
4 attendance if:

5 (a) they apply for admittance to the system within ~~one~~  
6 (1) year after graduation; or

7 (b) their parents or the parent having legal custody,  
8 or, if neither parent has legal custody, the parent with  
9 whom they customarily reside ~~have~~ has resided in Montana in  
10 one (1) of the ~~two~~ (2) years immediately preceding the  
11 graduation.

12 (8) Upon moving to Montana, an adult employed on a  
13 full-time basis within the state of Montana may apply for  
14 in-state tuition classification for his spouse or any  
15 dependent minor child or both. If such person meets the  
16 requirement of full-time employment within the state of  
17 Montana and files for the payment of Montana state income  
18 taxes, or files estimates of ~~such~~ those taxes, or is subject  
19 to withholding of ~~said~~ those taxes, and renounces his  
20 residency in any other state, and is not himself in the  
21 state primarily as a student, his spouse or any dependent  
22 minor child, or both, may at the next registration after  
23 qualifying be classified at the in-state rate, so long as he  
24 continues his Montana domicile. In the administration of  
25 this subsection ~~paragraph~~, neither the full-time employee or

1 spouse shall be eligible for in-state tuition classification  
 2 if the primary purpose for coming to Montana was the  
 3 education of the employee or spouse."

4 Section 34. Section 75-8705, R.C.M. 1947, is amended  
 5 to read as follows:

6 "75-8705. Indians — nonpayment of fees. (1) Persons  
 7 of one-fourth ~~(1/4)~~ Indian blood or more ~~and who~~ are bona  
 8 fide residents of the state of Montana for at least ~~one (1)~~  
 9 year prior to enrollment in the Montana university system,  
 10 ~~complete have completed a four (4) year 4-year~~ course of  
 11 ~~in an~~ accredited high school or federal Indian school, ~~and~~  
 12 ~~show showing~~ financial need and evidence of studious and  
 13 industrious habits, may enroll in the university system  
 14 without the payment of fees.

15 (2) Each unit shall make rules governing the selection  
 16 of these students."

17 Section 35. Section 75-9108, R.C.M. 1947, is amended  
 18 to read as follows:

19 "75-9108. ~~Anti-discrimination~~ Antidiscrimination. No  
 20 employer is eligible to employ any person under this program  
 21 ~~which if the~~ employer practices discrimination in employment  
 22 against any individual because of race, ~~creed~~, religion,  
 23 color, ~~political ideas~~, sex, ~~or age~~, marital status,  
 24 ~~physical or mental handicap~~, ancestry, or national origin."

25 Section 36. Section 75-9215, R.C.M. 1947, is amended

1 to read as follows:

2 "75-9215. Civil relief. Any person ~~or persons~~ claiming  
 3 loss or damage as a result of any act or practice by a  
 4 postsecondary institution or its agent, or both, which act  
 5 or practice violates the criteria established by the  
 6 department under ~~section 6 (75-9206) of this act~~ or the  
 7 prohibitions in ~~section 8 (75-9208) of this act~~, may sue in  
 8 a court of proper jurisdiction of this state the institution  
 9 ~~of or~~ the agent, or both, and their sureties for the amount  
 10 of ~~such the~~ damage or loss and, if successful, shall be  
 11 awarded, in addition to damages, court costs and reasonable  
 12 attorney's fees."

13 Section 37. Section 75-9216, R.C.M. 1947, is amended  
 14 to read as follows:

15 "75-9216. Bonds required. (1) At the time application  
 16 is made for license, the department may require the  
 17 postsecondary educational institution making ~~such the~~  
 18 application to file with the department a good and  
 19 sufficient surety bond in such sum as may be determined by  
 20 the department. ~~Said~~ The bond shall be executed by the  
 21 applicant as principal and by a surety company qualified and  
 22 authorized to do business in this state. The bond shall be  
 23 conditioned to provide indemnification to any student or  
 24 enrollee or his parent or guardian, or class thereof,  
 25 determined to have suffered loss or damage as a result of

1 any act or practice which is a violation of this act by the  
 2 ~~said~~ postsecondary educational institution, and that the  
 3 bonding company shall pay any final, nonappealable judgment  
 4 rendered by any court of this state having jurisdiction,  
 5 upon receipt of written notification thereof. Regardless of  
 6 the number of years that ~~such~~ the bond is in force, the  
 7 aggregate liability of the surety thereon shall in no event  
 8 exceed the penal sum of the bond. The bond shall be for ~~two~~  
 9 ~~(2)~~ years or coterminous with the license.

10 (2) An application for a permit shall be accompanied  
 11 by a good and sufficient surety bond in a penal sum of ~~one~~  
 12 ~~thousand dollars~~ ~~(\$1,000)~~. ~~Said~~ The bond shall be executed  
 13 by the applicant as principal and by a surety company  
 14 qualified and authorized to do business in this state. The  
 15 bond may be in blanket form to cover more than one agent for  
 16 a postsecondary educational institution, but it shall cover  
 17 each agent for ~~said~~ the institution in a penal sum of ~~one~~  
 18 ~~thousand dollars~~ ~~(\$1,000)~~. The bond shall be conditioned to  
 19 provide indemnification to any student, enrollee, or ~~his~~ ~~or~~  
 20 ~~her~~ the parents or guardian, or class thereof, determined to  
 21 have suffered loss or damage as a result of any act or  
 22 practice which is a violation of this act by ~~said~~ the agent,  
 23 and that the bonding company shall pay any final,  
 24 nonappealable judgment rendered by any court of this state  
 25 having jurisdiction, upon receipt of written notification

1 thereof. Regardless of the number of years that ~~such~~ the  
 2 bond is in force, the aggregate liability of the surety  
 3 thereon shall in no event exceed the penal sum thereof. The  
 4 bond shall be for ~~two~~ ~~(2)~~ years or coterminous with the  
 5 permit.

6 (3) The surety bond to be filed hereunder shall cover  
 7 the period of the license or the permit except when a surety  
 8 ~~is shall be released as provided herein.~~ A surety on any  
 9 bond filed under the provisions of this section may be  
 10 released after ~~such~~ the surety ~~shall serve~~ has served  
 11 written notice to the department ~~forty~~ ~~(40)~~ days prior to  
 12 ~~said~~ the release, ~~but~~ The ~~said~~ release shall does not  
 13 discharge or otherwise affect any claim ~~theretofore~~ ~~or~~  
 14 ~~hereafter~~ filed by a student or enrollee or his parent or  
 15 guardian for loss or damage resulting from any act or  
 16 practice which is a violation of this act alleged to have  
 17 occurred while the bond was in effect, ~~nor~~ ~~or~~ ~~for~~ from an  
 18 institution's ceasing operations during the term for which  
 19 tuition has been paid while the bond was in force.

20 (4) A license for an institution to operate or a  
 21 permit to an agent shall be suspended by operation of law  
 22 when ~~said~~ the institution or agent is no longer covered by a  
 23 surety bond as required by this section; but the department  
 24 shall cause the institution or an agent, or both, to receive  
 25 at least ~~thirty~~ ~~(30)~~ ~~days~~ days' written notice prior to the

1 release of the surety to the effect that the license or  
 2 permit shall be suspended by operation of law until another  
 3 surety bond ~~shall be~~ is filed in the same manner and like  
 4 amount as the bond being terminated."

5 Section 38. Section 80-102, R.C.M. 1947, is amended to  
 6 read as follows:

7 "80-102. Montana state school for deaf and blind  
 8 independent institution — rights saved. The school for the  
 9 deaf and blind, formerly located at Boulder in connection  
 10 with the Montana state training school, but ~~heretofore~~  
 11 transferred before July 1, 1943, to the city of Great Falls,  
 12 shall be known and designated as the Montana state school  
 13 for the deaf and blind, and shall be conducted as a separate  
 14 and independent unit and institution of the state of  
 15 Montana, under the general supervision, direction, and  
 16 control of the state board of public education, with a local  
 17 executive board to be appointed in the manner, and to have  
 18 the powers, authority, and duties granted to and required of  
 19 ~~such that~~ board, by the provisions of 75-8510 and 75-8511,  
 20 ~~sections 75-302 to 75-309, provided that~~ However, the  
 21 transfer of ~~such that~~ school, or any change in the name  
 22 thereof, or in the objects or purposes thereof, shall may  
 23 not be ~~deemed~~ considered or construed to impair or work any  
 24 forfeiture or alteration of any rights, grants, or property  
 25 heretofore made to or acquired by ~~such that~~ school or by the

1 state for the use and benefit of ~~such that~~ school, prior to  
 2 July 1, 1943."

3 Section 39. Repealer. Sections 80-110 and 80-112,  
 4 R.C.M. 1947, are repealed.

-End-

SENATE BILL NO. 17  
INTRODUCED BY BLAYLOCK

A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL REVISION AND CLARIFICATION OF LAWS RELATING TO EDUCATION."

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

Section 1. Section 75-5607, R.C.B. 1947, is amended to read as follows:

"75-5607. Board of public education ~~--- Powers powers~~ and duties. The board of public education shall ~~have the power and it shall be its duty to:~~

(1) effect an orderly and uniform system of for teacher certification and for the issuance of an emergency authorization of employment by adopting the policies prescribed by ~~sections~~ 75-6002 and 75-6011;

(2) consider the suspension or revocation of teacher certificates, and appeals from the denial of teacher certification in accordance with the provisions of ~~section~~ 75-6010;

(3) administer and order the distribution of state equalization aid in accordance with the provisions of ~~section~~ 75-6917;

(4) adopt and enforce policies to provide uniform standards and regulations for the design, construction, and

operation of school buses in accordance with the provisions of ~~section~~ 75-7004;

(5) approve or disapprove a reduction of the number of hours in a district's school day in accordance with the provisions of ~~section~~ 75-7403;

(6) adopt policies prescribing the conditions when school may be conducted on Saturday, and the types of pupil-instruction-related days and approval procedure for such days in accordance with the provisions of ~~sections~~ 75-7404 and 75-7405;

(7) adopt standards of accreditation and establish the accreditation status of every school in accordance with the provisions of ~~sections~~ 75-7501 and 75-7502;

~~(8) establish the scope of conservation education in the schools in accordance with the provisions of section 75-7509;~~

~~(9)~~ (8) approve or disapprove educational media selected by the superintendent of public instruction for the educational media library in accordance with the provisions of ~~section~~ 75-7511;

~~(10)~~ (9) as the governing board of the state of Montana for vocational education, adopt the policies prescribed by and in accordance with the provisions of ~~section~~ 75-7702;

~~(11)~~ (10) consider applications for ~~post-secondary~~ postsecondary vocational-technical center designation in

*The changes in S. B. 17 are on page 25  
Refer to white copy.*



1 be prorated between the elementary district and the high  
2 school district on the basis of the ratio that the number of  
3 pupils of their district is to the total enrollment of the  
4 junior high school."

5 Section 14. Section 75-6701, R.C.M. 1947, is amended  
6 to read as follows:

7 "75-6701. Application of budget system for districts.  
8 The school budgeting procedure and provisions of this ~~Title~~  
9 ~~title shall~~ apply to elementary, ~~and~~ high school ~~and~~ AND  
10 ~~community-college~~ COMMUNITY COLLEGE districts, and to all  
11 funds requiring the adoption of a budget. Each district  
12 shall separately propose and adopt a budget in accordance  
13 with the requirements of this ~~Title~~ title."

14 SECTION 15. SECTION 75-6702, R.C.M. 1947, IS AMENDED  
15 TO READ AS FOLLOWS:

16 "75-6702. General supervision of school budgeting  
17 system. The superintendent of public instruction ~~shall have~~  
18 has general supervision over the school budgeting procedure  
19 and provisions, as they relate to elementary, and high school  
20 districts, prescribed by law and shall ~~have the duty to~~  
21 establish such ~~regulations~~ rules as are necessary to secure  
22 compliance with the school budgeting laws."

23 Section 16. Section 75-6802, R.C.M. 1947, is amended  
24 to read as follows:

25 "75-6802. Application of law and superintendent of

1 public instruction supervision. The school financial  
2 administration provisions of this ~~Title~~ title shall apply to  
3 all moneys of any elementary or high school district ~~or any~~  
4 ~~OR ANY community-college-district~~ COMMUNITY COLLEGE  
5 DISTRICT, ~~excepting~~ except the ~~extra-curricular~~  
6 extracurricular moneys realized from pupil activities. The  
7 superintendent of public instruction ~~shall have~~ has general  
8 ~~supervision~~ supervisory authority over the school financial  
9 administration provisions, AS THEY RELATE TO ELEMENTARY AND  
10 HIGH SCHOOL DISTRICTS, as prescribed by law and shall ~~have~~  
11 ~~the duty to~~ establish such rules ~~and regulations~~ as are  
12 necessary to secure compliance with the law."

13 Section 17. Section 75-6807, R.C.M. 1947, is amended  
14 to read as follows:

15 "75-6807. Examination of district accounting records.  
16 (1) The accounting records of all districts ~~first and~~  
17 ~~second class district and each third class district~~  
18 ~~maintaining a high school~~ shall be audited annually by the  
19 department of community affairs state examiner in accordance  
20 with 82-4516 section 82-1008, R.C.M., 1947.

21 (2) Annually and at such other times as directed by  
22 the board of county commissioners or trustees, the county  
23 auditor, or the county treasurer if there is no county  
24 auditor, shall audit the accounting records of each  
25 third-class district that does not maintain a high school.

COMMITTEE ON EDUCATION AMENDMENTS TO SENATE BILL 17.

Amend the third reading bill as follows:

1. Amend page 8, section 3, subsection (28), lines 15 and 16.

Following: "dealers"

Strike: ", maintain a textbook library,"

Insert: "and"

2. Amend page 8, section 3, subsection (28), line 17.

Following: "law"

Strike: ", and supply a textbook listing"

3. Amend page 9, section 3, subsection (36) lines 20 and 21.

Following: line 19.

Strike: lines 20 and 21 in their entirety.

Renumber: subsequent subsections.

4. Amend page 21, section 10, subsection (1), line 9.

Following: "in"

Strike: "subsection"

Insert: "subsections"

Following: "(2)"

Insert: "and (3)"

AS AMENDED  
BE CONCURRED IN

## 1 SENATE BILL NO. 17

2 INTRODUCED BY BLAYLOCK

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL  
5 REVISION AND CLARIFICATION OF LAWS RELATING TO EDUCATION."6  
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:8 Section 1. Section 75-5607, R.C.M. 1947, is amended to  
9 read as follows:10 "75-5607. ~~Board of public education -- Powers powers~~  
11 and duties. The board of public education shall ~~have--the~~  
12 ~~power and it shall be its duty to:~~13 (1) effect an orderly and uniform system of ~~for~~  
14 teacher certification and for the issuance of an emergency  
15 authorization of employment by adopting the policies  
16 prescribed by ~~sections~~ 75-6002 and 75-6011;17 (2) consider the suspension or revocation of teacher  
18 certificates and appeals from the denial of teacher  
19 certification in accordance with the provisions of ~~section~~  
20 75-6010;21 (3) administer and order the distribution of state  
22 equalization aid in accordance with the provisions of  
23 ~~section~~ 75-6917;24 (4) adopt and enforce policies to provide uniform  
25 standards and regulations for the design, construction, and1 operation of school buses in accordance with the provisions  
2 of ~~section~~ 75-7004;3 (5) approve or disapprove a reduction of the number of  
4 hours in a district's school day in accordance with the  
5 provisions of ~~section~~ 75-7403;6 (6) adopt policies prescribing the conditions when  
7 school may be conducted on Saturday and the types of  
8 pupil-instruction-related days and approval procedure for  
9 such days in accordance with the provisions of ~~sections~~  
10 75-7404 and 75-7405;11 (7) adopt standards of accreditation and establish the  
12 accreditation status of every school in accordance with the  
13 provisions of ~~sections~~ 75-7501 and 75-7502;14 ~~(8) -- establish the scope of conservation education -- in~~  
15 ~~the -- schools -- in -- accordance -- with -- the -- provisions -- of -- section~~  
16 ~~75-7507;~~17 ~~(9)~~ (9) approve or disapprove educational media  
18 selected by the superintendent of public instruction for the  
19 educational media library in accordance with the provisions  
20 of ~~section~~ 75-7511;21 ~~(10)~~ (10) as the governing board of the state of Montana  
22 for vocational education, adopt the policies prescribed by  
23 and in accordance with the provisions of ~~section~~ 75-7702;24 ~~(11)~~ (11) consider applications for ~~post-secondary~~  
25 ~~postsecondary~~ vocational-technical center designation in

1 accordance with the provisions of section 75-7707;

2 ~~{12}(11)~~ for the purposes of post-secondary

3 ~~postsecondary~~ vocational-technical centers, approve or

4 disapprove programs and budgets, direct the distribution of

5 moneys in support of such budgets, determine tuition rates

6 and fees, and enter into lease agreements or real property

7 purchases in accordance with the post-secondary

8 ~~postsecondary~~ vocational-technical center provisions of the

9 vocational education chapter of this ~~title~~ title;

10 ~~{13}(12)~~ adopt policies for the conduct of special

11 education in accordance with the provisions of section

12 75-7802;

13 ~~{14} supervise community college districts in~~

14 ~~accordance with the provisions of sections 75-8103 and~~

15 ~~75-8119;~~

16 ~~{15} call an election, determine the results of the~~

17 ~~election, order and implement the organization of a community~~

18 ~~college district in accordance with the community college~~

19 ~~districts chapter of this title and~~

20 ~~{16}(13)~~ perform any other duty prescribed from time to

21 time by this ~~title~~ title or any other act of the

22 legislature."

23 Section 2. There is a new R.C.M. section numbered

24 75-5607.1 that reads as follows:

25 75-5607.1. Regents to supervise community college

1 districts. The board of regents of higher education shall:

2 (1) supervise community college districts in

3 accordance with the provisions of 75-8103 and 75-8119; and

4 (2) call an election, determine the results of the

5 election, and order and implement the organization of a

6 community college district in accordance with the community

7 college districts chapter of this title.

8 Section 3. Section 75-5707, R.C.M. 1947, is amended to

9 read as follows:

10 \*75-5707. Powers--and--duties Supervision of schools.

11 The superintendent of public instruction ~~shall have~~ has the

12 general supervision of the public schools and districts of

13 the state, and he ~~shall have the power and~~ shall perform

14 the following duties or acts in implementing and enforcing

15 the provisions of this ~~title~~ title:

16 (1) resolve any controversy resulting from the

17 proration of joint costs by a joint board of trustees under

18 the provisions of section 75-5929;

19 (2) issue, renew, or deny teacher certification and

20 emergency authorizations of employment and give notice of

21 teacher certification suspension or revocation proceedings

22 to be conducted by the board of public education in

23 accordance with the provisions of the teacher certification

24 chapter of this ~~title~~ title;

25 (3) negotiate reciprocal tuition agreements with other

1 states in accordance with the provisions of section 75-6318;  
 2 ~~(4) pay the tuition for the residents of the Montana~~  
 3 ~~children's center at Twin Bridges high school in accordance~~  
 4 ~~with the provisions of section 75-6319;~~  
 5 (5)(4) serve on the teachers' retirement board in  
 6 accordance with the provisions of section 75-6203 ~~82A-212~~;  
 7 (6)(5) prescribe absentee voting forms and rules in  
 8 accordance with the provisions of section 75-6416;  
 9 (7)(6) approve or disapprove the orders of a high  
 10 school boundary commission in accordance with the provisions  
 11 of section 75-6528;  
 12 (8)(7) approve or disapprove the opening or reopening  
 13 of a school in accordance with the provisions of sections  
 14 75-6602, 75-6603, 75-6604, or 75-6605;  
 15 (9)(8) approve or disapprove school isolation within  
 16 the limitations prescribed by section 75-6608;  
 17 (10)(9) generally supervise the school budgeting  
 18 procedures prescribed by law in accordance with the  
 19 provisions of section 75-6702, and prescribe the school  
 20 budget format in accordance with the provisions of section  
 21 75-6704 and 75-7209;  
 22 (11)(10) establish a system of communication for  
 23 calculating joint district revenues in accordance with the  
 24 provisions of section 75-6721;  
 25 (12)(11) approve or disapprove the adoption of a

1 district's emergency budget resolution under the conditions  
 2 prescribed in section 75-6725, and publish rules and  
 3 regulations for an application for additional state aid for  
 4 an emergency budget in accordance with the approval and  
 5 disbursement provisions of section 75-6729;  
 6 (13)(12) generally supervise the school financial  
 7 administration provisions as prescribed by section 75-6802;  
 8 (14)(13) appoint the responsible county officials for  
 9 the performance of the budgeting duties and the financial  
 10 administration duties for a joint district in accordance  
 11 with the provisions of sections 75-6720 and 75-6803;  
 12 (15)(14) prescribe and furnish the annual report forms  
 13 to enable the districts to report to the county  
 14 superintendent in accordance with the provisions of  
 15 subsection (5) of section 75-6806(5), and the annual report  
 16 forms to enable the county superintendents to report to the  
 17 superintendent of public instruction in accordance with the  
 18 provisions of section 75-5809;  
 19 (16)(15) approve, disapprove, or adjust an increase of  
 20 the average number belonging (ANB) in accordance with the  
 21 provisions of sections 75-6903 and 75-6904;  
 22 (17)(16) distribute state equalization aid in support  
 23 of the foundation program in accordance with the provisions  
 24 of sections 75-6908, 75-6918, and 75-6919;  
 25 (18)(17) estimate the state-wide statewide equalization

1 level for the foundation program in accordance with the  
2 provisions of section 75-6920;

3 ~~(19)~~(18) distribute state impact aid in accordance with  
4 the provisions of section 75-6925;

5 ~~(20)~~(19) provide for the uniform and equal provision of  
6 transportation by performing the duties prescribed by the  
7 provisions of section 75-7005;

8 ~~(21)~~(20) approve or disapprove an adult education  
9 program for which a district proposes to levy a tax in  
10 accordance with the provisions of section 75-7207;

11 ~~(22)~~(21) request, accept, deposit, and expend federal  
12 moneys in accordance with the provisions of section 75-7303;

13 ~~(23)~~(22) authorize the use of federal moneys for the  
14 support of an interlocal ~~co-operative~~ cooperative agreement  
15 in accordance with the provisions of sections 75-7306 and  
16 75-7307;

17 ~~(24)~~(23) prescribe the form and contents of and approve  
18 or disapprove interstate contracts in accordance with the  
19 provisions of section 75-7308;

20 ~~(25)~~(24) approve or disapprove the conduct of school on  
21 a Saturday or on pupil-instruction-related days in  
22 accordance with the provisions of sections 75-7404 and  
23 75-7405;

24 ~~(26)~~(25) recommend standards of accreditation for all  
25 schools to the board of public education, and evaluate

1 compliance with such standards and recommend accreditation  
2 status of every school to the board of public education in  
3 accordance with the provisions of sections 75-7501 and  
4 75-7502;

5 ~~(27)~~(26) collect and maintain a file of curriculum  
6 guides and assist schools with instructional programs in  
7 accordance with the provisions of sections 75-7505 and  
8 75-7506;

9 ~~(28) recommend the scope of conservation education in  
10 the schools to the board of education in accordance with the  
11 provisions of section 75-7509;~~

12 ~~(29)~~(28)(27) establish and maintain a library of  
13 visual, aural, and other educational media in accordance  
14 with the provisions of section 75-7511;

15 ~~(30)~~(29)(28) license textbook dealers, ~~maintain a  
16 textbook library, AND~~ initiate prosecution of textbook  
17 dealers violating the law ~~and supply a textbook listing~~ in  
18 accordance with the provisions of the textbooks chapter of  
19 this ~~title~~ title;

20 ~~(31)~~(30)(29) administer and perform the duties as the  
21 executive officer of the board of public education for  
22 vocational education in accordance with the provisions of  
23 section 75-7703;

24 ~~(32)~~(31)(30) consider applications for the designation  
25 of a ~~post-secondary~~ postsecondary vocational-technical

1 center in accordance with the provisions of section 75-7707;  
 2 ~~(33)(32)(31)~~ establish a fund for the handling of  
 3 ~~post-secondary~~ postsecondary vocational-technical center  
 4 fees in accordance with the provisions of section 75-7714;  
 5 ~~(34)(33)(32)~~ supervise and co-ordinate coordinate the  
 6 conduct of special education in the state in accordance with  
 7 the provisions of section 75-7803;  
 8 ~~(35)(34)(33)~~ administer the traffic education program  
 9 in accordance with the provisions of section 75-7904;  
 10 ~~(36)(35)(34)~~ administer the school food services  
 11 program in accordance with the provisions of sections  
 12 75-8002, 75-8003, and 75-8004;  
 13 ~~(37)-determine-the-result-of-an-organization--election~~  
 14 ~~for-a-community-college-district-and-the-related-election-of~~  
 15 ~~trustees--in--accordance--with--the--provisions--of--section~~  
 16 ~~75-8112;~~  
 17 ~~(38)(36)(35)~~ review school building plans and  
 18 specifications in accordance with the provisions of section  
 19 75-8206;  
 20 ~~(39)(37)(36)~~ ~~publish-and-distribute-fire--danger--books~~  
 21 ~~in-accordance-with-the-provisions-of-section-75-8309;~~  
 22 ~~(40)(38)(37)(36)~~ prescribe the method of identification  
 23 and signals to be used by school safety patrols in  
 24 accordance with the provisions of section 75-8310; and  
 25 ~~(41)(39)(38)(37)~~ perform any other duty prescribed from

1 time to time by this ~~title~~ title, any other act of the  
 2 legislature, or the policies of the board of public  
 3 education."  
 4 Section 4. Section 75-5805, R.C.M. 1947, is amended to  
 5 read as follows:  
 6 "75-5805. County superintendent ~~---~~ Powers powers and  
 7 duties. The county superintendent ~~shall have~~ has general  
 8 supervision of the schools of the county within the  
 9 limitations prescribed by this ~~title~~ title and shall perform  
 10 the following duties or acts:  
 11 (1) determine, establish, and re-establish reestablish  
 12 trustee nominating districts, and fill additional trustee  
 13 position vacancies in accordance with the provisions of  
 14 sections 75-5903, 75-5904, and 75-5905;  
 15 (2) administer and file the oaths of members of the  
 16 boards of trustees of the districts in his county in  
 17 accordance with the provisions of section 75-5916;  
 18 (3) fill by appointment any trustee position vacancies  
 19 when required under the provisions of section 75-5918;  
 20 (4) register the teacher certificate or emergency  
 21 authorization of employment of any person employed in the  
 22 county as a teacher, principal, or district superintendent  
 23 in accordance with the provisions of section 75-6106;  
 24 (5) act on each tuition application submitted to him  
 25 in accordance with the provisions of sections 75-6313,

1 75-6314, 75-6315~~x~~ and 75-6315~~y~~ and transmit the tuition  
2 information required by section 75-6317;

3 (6) file a copy of the audit report for a district or  
4 ~~a school's--extracurricular--fund~~ in accordance with the  
5 provisions of sections 75-6807 or 75-6323;

6 (7) classify districts in accordance with the  
7 provisions of section 75-6503;

8 (8) keep a transcript and reconcile the district  
9 boundaries of the county in accordance with the provisions  
10 of section 75-6504;

11 (9) fulfill all responsibilities assigned to him under  
12 the provisions of this ~~title~~ title regulating the  
13 organization, alteration~~s~~ or abandonment of districts;

14 (10) act on any unification proposition and, if  
15 approved, establish additional trustee nominating districts  
16 in accordance with sections 75-6538 and 75-6539;

17 (11) estimate the average number belonging (ANB) of an  
18 opening school in accordance with the provisions of sections  
19 75-6602, 75-6603, 75-6604, or 75-6606;

20 (12) process and~~y~~ when required, act on school  
21 isolation applications in accordance with the provisions of  
22 section 75-6608;

23 (13) complete the budgets, compute the budgeted  
24 revenues and tax levies, give notices of the budget  
25 meetings, file final and emergency budgets~~s~~ and fulfill such

1 other responsibilities assigned to him under the provisions  
2 of this ~~title~~ title regulating school budgeting systems;

3 (14) submit an annual financial report to the  
4 superintendent of public instruction in accordance with the  
5 provisions of section 75-6804;

6 (15) quarterly, unless otherwise provided by law, order  
7 the county treasurer to apportion state moneys, county  
8 school moneys~~s~~ and any other school moneys subject to  
9 apportionment in accordance with the provisions of ~~75-6805~~  
10 sections 75-6909, 75-6914, 75-6919, 75-6921, 75-7022, or  
11 ~~7-7023~~ or ~~75-6805~~;

12 (16) act on any request to transfer average number  
13 belonging (ANB) in accordance with the provisions of  
14 subsection (3) of section 75-6903;

15 (17) calculate the estimated~~y~~ budgeted general fund  
16 sources of revenue in accordance with the provisions of  
17 section 75-6911 and 75-6920~~y~~ and the other general fund  
18 revenue provisions of the general fund chapter of this ~~title~~  
19 title;

20 (18) compute the revenues and the district and county  
21 levy requirements for each fund included on each district's  
22 final budget~~y~~ and report such computations to the board of  
23 county commissioners in accordance with the provisions of  
24 the general fund, transportation, bonds, and other school  
25 funds chapters of this ~~title~~ title;



1 (19) file and forward bus driver certifications,  
2 transportation contracts, and state transportation  
3 reimbursement claims in accordance with the provisions of  
4 sections 75-7003, 75-7020, or 75-7022;

5 (20) for districts which do not employ a district  
6 superintendent or principal, recommend library book and  
7 textbook selections in accordance with the provisions of  
8 sections 75-7519 or 75-7603;

9 (21) notify the superintendent of public instruction of  
10 a textbook dealer's activities when required under the  
11 provisions of section 75-7607, and otherwise comply with the  
12 textbook dealer provisions of this ~~five~~ title;

13 (22) act on district requests to allocate federal  
14 moneys for indigent children for school food services in  
15 accordance with the provisions of section 75-8006; and

16 (23) perform any other duty prescribed from time to  
17 time by this ~~five~~ title, any other act of the legislature,  
18 the policies of the board of public education, or the rules  
19 and ~~regulations~~ of the superintendent of public  
20 instruction."

21 Section 5. Section 75-5918, R.C.M. 1947, is amended to  
22 read as follows:

23 "75-5918. Filling vacated trustee position, appointee  
24 qualification, and term of office. (1) Whenever a trustee  
25 position becomes vacant in any district except a ~~third-class~~

1 ~~third-class~~ district, the remaining members of the trustees  
2 shall declare such position vacant and they shall appoint,  
3 in writing, a competent person as a successor. The trustees  
4 shall notify the appointee and the county superintendent of  
5 such appointment.

6 (2) Whenever a trustee position becomes vacant in a  
7 ~~third-class~~ ~~third-class~~ district, the remaining members of  
8 the trustees shall declare such position vacant and notify  
9 the county superintendent of the vacancy. The county  
10 superintendent shall appoint, in writing, a competent person  
11 as a successor and notify such person of his appointment.

12 (3) Any person who has been appointed to a trustee  
13 position shall qualify by completing and filing an oath of  
14 office with the county superintendent ~~within ten~~ ~~not less~~  
15 ~~than fifteen~~ (15) days after receiving notice of his  
16 appointment. Failure to file the oath of office shall  
17 constitute a continuation of the trustee position vacancy  
18 which shall be filled under the provisions of this section.

19 (4) Any person assuming a trustee position under the  
20 provisions of this section shall serve until the next  
21 regular school election and his successor has qualified."

22 Section 6. Section 75-5932, R.C.M. 1947, is amended to  
23 read as follows:

24 "75-5932. General powers and duties and record of  
25 acts. (1) The trustees of each district shall ~~have the power~~

1 ~~and it shall be its duty to~~ prescribe and enforce policies  
 2 for the government of the district. In order to provide a  
 3 comprehensive system of governing the district, the trustees  
 4 shall:

5 ~~(1)(a)~~ adopt the policies required by this title; and  
 6 ~~(2)(b)~~ adopt policies to implement or administer the  
 7 requirements of the general law, this ~~title~~ title, the  
 8 policies of the board of public education, or ~~and~~ the rules  
 9 ~~and regulations~~ of the superintendent of public instruction.

10 (2) The trustees shall keep a full and permanent  
 11 record of all adopted policies and all other acts of the  
 12 trustees. Minutes of each regular and special board  
 13 meeting shall include wording of motions, voting records of  
 14 each trustee present, and all other pertinent information,  
 15 including a detailed statement of all expenditures of money,  
 16 with the name of any person or business to whom payment is  
 17 made, and showing the service rendered or goods furnished. A  
 18 written copy of the minutes shall be made available within  
 19 ~~five (5)~~ working days following the approval of the minutes  
 20 by the board, at a cost of no more than ~~fifteen~~ 15 cents  
 21 ~~(~~15~~)~~ per a page to be paid by those who request such a  
 22 copy. One free copy of the minutes shall be provided to the  
 23 local press within ~~five (5)~~ working days following the  
 24 approval of the minutes by the board. The board shall  
 25 approve the minutes of each special and regular meeting no

1 later than ~~one (1)~~ month following the meeting. If a board  
 2 does not regularly meet on a monthly basis, a meeting of the  
 3 trustees shall be called no later than ~~one (1)~~ month  
 4 following each regular meeting for the purpose of approving  
 5 the minutes of the previous meeting."

6 Section 7. Section 75-5935, R.C.M. 1947, is amended to  
 7 read as follows:

8 "75-5935. Clerk of the district. As provided in  
 9 section 75-5927, the trustees shall employ and appoint a  
 10 clerk of the district. ~~It shall be the duty of the~~ The clerk  
 11 of the district to shall attend all meetings of the trustees  
 12 to keep an accurate and permanent record of all the  
 13 proceedings of each meeting. If the clerk is not present at  
 14 a meeting, the trustees shall have one of ~~its~~ their members  
 15 or a district employee act as clerk for ~~such~~ the meeting  
 16 and such person shall supply the clerk with a certified copy  
 17 of the proceedings. The clerk of the district also shall be  
 18 the custodian of all documents, records, and reports of the  
 19 trustees. Unless the trustees provide otherwise, the clerk  
 20 shall:

21 (1) keep an accurate and detailed accounting record of  
 22 all receipts and expenditures of the district in accordance  
 23 with the financial administration provisions of this ~~title~~  
 24 title; and

25 (2) prepare the annual trustees' report required under

1 the provisions of subsection (5) of section 75-6806 and  
 2 ~~(3) make an annual census of all the children of the~~  
 3 ~~district in accordance with sections 75-5936 and 75-5937.~~"

4 Section 8. Section 75-6304, R.C.M. 1947, is amended to  
 5 read as follows:

6 "75-6304. Compulsory attendance and excuses. Any  
 7 parent, guardian, or other person who is responsible for the  
 8 care of any child who is seven ~~(7)~~ years of age or older  
 9 prior to the first day of school in any school fiscal year,  
 10 but has not yet reached his ~~sixteenth~~ 16th birthday, ~~or of a~~  
 11 ~~child who~~ and has not completed the work of the eighth  
 12 grade, shall cause the child to attend the school in which  
 13 he is enrolled for the school term and each school day  
 14 therein prescribed by the trustees of the district unless:

15 (1) the child has been excused under one of the  
 16 conditions specified in section 75-6303;

17 (2) the child is absent because of illness,  
 18 bereavement, or other reason prescribed by the policies of  
 19 the trustees; or

20 (3) the child has been suspended or expelled under the  
 21 provisions of section 75-6311."

22 Section 9. Section 75-6313, R.C.M. 1947, is amended to  
 23 read as follows:

24 "75-6313. Elementary tuition with mandatory approval.  
 25 (1) Any child may be enrolled in and attend an elementary

1 school outside of the elementary district in which he  
 2 resides when such elementary school is located:

3 ~~(1)(a)~~ in any other district of the county of his  
 4 residence;

5 ~~(2)(b)~~ in a county adjoining his county of residence;  
 6 or

7 ~~(3)(c)~~ in a district of another state that is adjacent  
 8 to the county of his residence.

9 (2) When a parent or guardian of a child wishes to  
 10 have his child attend a school under the provisions of this  
 11 section, he shall apply to the county superintendent of the  
 12 county of his residence before ~~the first day of~~ July 1 of  
 13 the school fiscal year for which he seeks approval except in  
 14 those cases when substantial changes in circumstances  
 15 occurred subsequently to justify later application. ~~Such~~ The  
 16 application shall be made on a tuition agreement form  
 17 supplied by the county superintendent and shall be approved  
 18 ~~before permission to enroll in and attend school outside of~~  
 19 ~~the district under the provisions of this section may be~~  
 20 ~~granted~~ by:

21 ~~(1)(a)~~ the trustees of the elementary district in  
 22 which the child resides;

23 ~~(2)(b)~~ the trustees of the district where the child  
 24 wishes to attend school; and

25 ~~(3)(c)~~ the county superintendent of the child's

1 residence, before permission to enroll in and attend a  
2 school outside of the district under the provisions of this  
3 section shall be granted.

4 (3) In considering the approval of a tuition  
5 application, the tuition approval agents prescribed in this  
6 section shall approve such application for a resident child  
7 when:

8 (a) the child resides less than three (3) miles  
9 from the school which he wishes to attend and more than  
10 three (3) miles from any school of his resident elementary  
11 district;

12 (b) the child resides more than three (3) miles  
13 from any school of his resident elementary district and such  
14 district does not provide transportation under the  
15 provisions of this title title;

16 (c) the child resides more than three (3) miles  
17 from any school of his resident elementary district, and the  
18 resident district does not provide transportation under the  
19 provisions of this title title, and school bus  
20 transportation is furnished by the district operating the  
21 school which he wishes to attend;

22 (d) the child is a member of a family who must send  
23 another child outside of the elementary district to attend  
24 high school and the child of elementary age may more  
25 conveniently attend an elementary school where the high

1 school is located, provided such the child resides more  
2 than three (3) miles from an elementary school of the  
3 resident district or the parent must move to the elementary  
4 district where the high school is located in order to enroll  
5 the other child in high school; or

6 (e) the child has been declared by a district court  
7 of competent jurisdiction to be an abused, neglected, or  
8 dependent --dependent--and-neglected child, as defined in  
9 section--10-501 10-1301, Rev. 1947, or a juvenile  
10 delinquent child youth, as defined in 10-1203, section  
11 10-602 Rev. 1947, and such child has been ordered to be  
12 placed in a duly licensed child care institution which is  
13 also approved by the state department of social and  
14 rehabilitation services public-welfare, and as a result of  
15 the order the child is required to attend elementary school  
16 outside of the district of his residence. For purposes of  
17 this subsection the prescribed geographic relationship of  
18 the receiving district to the district of residence shall  
19 does not apply.

20 (4) The trustees of the district where the school to  
21 be attended is located shall--have--the-authority-to may  
22 disapprove a tuition agreement that satisfies any of the  
23 mandatory approval conditions specified in subsections  
24 (3)(a), (3)(b), (3)(c), (3)(d), or (3)(e)  
25 above when they shall find that due to insufficient room and

1 overcrowding the accreditation of the school would be  
 2 adversely affected by the acceptance of the child. In the  
 3 event of disapproval, the trustees shall so notify the  
 4 parent in writing within fifteen {15} days of the first  
 5 receipt of the application."

6 Section 10. Section 75-6410, R.C.M. 1947, is amended  
 7 to read as follows:

8 "75-6410. Qualifications of elector. Every ~~(1)~~ Except  
 9 as provided in subsection SUBSECTIONS ~~(2)~~ AND ~~(3)~~, each  
 10 person is entitled to vote at school elections if he has all  
 11 of the following qualifications:

12 ~~(1)(a)~~ He has registered to vote with the county  
 13 registrar as a resident in the school district in which he  
 14 resides and proposes to vote in the manner provided by the  
 15 general state election laws except in regard to the closure  
 16 of elector registration as provided in section 75-6413.

17 ~~(2)(b)~~ He is eighteen {18} years of age or older.

18 ~~(3)(c)~~ He has been a resident of Montana for at least  
 19 thirty {30} days, and

20 ~~(4)(d)~~ He is a citizen of the United States.

21 ~~(2)~~ No person convicted of a felony has the right to  
 22 vote while he is serving a sentence in a penal institution.

23 ~~(3)~~ No person adjudicated to be ~~mentally incompetent~~  
 24 of ~~unsound mind~~ has the right to vote unless he has been  
 25 restored to capacity as provided by law."

1 Section 11. Section 75-6412, R.C.M. 1947, is amended  
 2 to read as follows:

3 "75-6412. Elector challenges. ~~(1)~~ An elector may  
 4 challenge the qualifications of another elector under the  
 5 provisions of section 23-3015. Any person offering to vote  
 6 in a school election may be challenged by any elector of the  
 7 district on any of the grounds for challenge established in  
 8 section 23-3611, R.C.M. 1947. Such ~~the~~ challenge shall be  
 9 determined in the same manner, using the same oath as  
 10 provided in chapter 36 of Title 23, R.C.M. 1947.

11 ~~(2)~~ Any person who ~~shall~~ have ~~has~~ been challenged  
 12 under any of the provisions of this section and who ~~shall~~  
 13 swear ~~swears~~ or affirm ~~affirms~~ falsely before any school  
 14 election judge ~~shall be~~ is guilty of perjury ~~false swearing~~  
 15 and ~~shall be punished accordingly.~~ is punishable as provided  
 16 in 94-7-203."

17 Section 12. Section 75-6523, R.C.M. 1947, is amended  
 18 to read as follows:

19 "75-6523. ~~Counter-proposed~~ Counterproposed high school  
 20 district boundaries by electors and election. ~~(1)~~ Whenever  
 21 a high school boundary commission issues an order to change  
 22 high school district boundary lines, ~~twenty-per-cent~~ {20%}  
 23 or more of the electors of any elementary district with  
 24 territory affected by the high school boundary change who  
 25 are qualified to vote under ~~the provisions of section~~

1 75-6410 may protest the boundaries established by the order  
 2 of the commission within ~~thirty-(30)~~ 30 days after the date  
 3 of ~~the~~ such order. ~~Such~~ ~~the~~ protest shall be in the form of  
 4 a petition addressed to the county superintendent and it  
 5 shall provide a ~~counter-proposition~~ ~~counterproposition~~ to  
 6 the new high school boundaries established by the order of  
 7 the commission for the disposition of the territory of the  
 8 elementary district for high school districting purposes.  
 9 The provisions of this section shall not be used in  
 10 elementary districts that have approved high school  
 11 boundaries under ~~the-provisions-of-section~~ 75-6522.

12 ~~(2)~~ When the county superintendent receives a valid  
 13 petition from an elementary district, he shall, within ten  
 14 ~~(10)~~ days after the receipt of such ~~the~~ petition, ~~and-as~~  
 15 ~~provided--by-section-75-6423,~~ order the trustees of such ~~the~~  
 16 elementary district to call an election to consider the high  
 17 school boundary ~~counter---proposition~~ ~~counterproposition~~  
 18 described in ~~the~~ such petition. The trustees shall call and  
 19 conduct the election in the manner prescribed in this ~~title~~  
 20 ~~title~~ for school elections. An elector who may vote on the  
 21 proposition shall be qualified to vote under ~~the-provisions~~  
 22 ~~of-section~~ 75-6410. If a majority of the electors voting at  
 23 the election approve the ~~counter-proposition~~  
 24 ~~counterproposition~~, the high school boundaries described by  
 25 the ~~counter-proposition~~ ~~counterproposition~~ shall be

1 approved, and the order of the high school boundary  
 2 commission shall be amended to establish such high school  
 3 boundaries. If a majority of the electors voting at such ~~the~~  
 4 election disapprove the ~~counter-proposition~~  
 5 ~~counterproposition~~, the order of the high school boundary  
 6 commission shall be confirmed and shall be final."

7 Section 13. Section 75-6606, R.C.M. 1947, is amended  
 8 to read as follows:

9 "75-6606. Budgeting and cost-sharing when junior high  
 10 school operated by elementary district and high school  
 11 district operating a county high school. ~~(1)~~ Whenever the  
 12 opening of a junior high school is approved for the ensuing  
 13 school fiscal year under ~~the-provisions-of-section~~ 75-6605,  
 14 the county superintendent shall estimate the average number  
 15 belonging (ANB) after investigating the probable enrollment  
 16 for the junior high school. The ANB determined by the county  
 17 superintendent and the ANB actually realized in subsequent  
 18 school fiscal years shall be applied under ~~the-provisions-of~~  
 19 ~~subsection---(10)---of---section~~ 75-6905 to prorate the  
 20 maximum-general-fund-budget-without-a-voted-levy between the  
 21 elementary and high school districts. Each district shall  
 22 adopt its general fund budget on the basis of such ~~the~~  
 23 prorated amount and shall finance its proportionate share of  
 24 the cost of operating the junior high school.

25 ~~(2)~~ The cost of operating the junior high school shall

1 be prorated between the elementary district and the high  
2 school district on the basis of the ratio that the number of  
3 pupils of their district is to the total enrollment of the  
4 junior high school."

5 Section 14. Section 75-6701, R.C.M. 1947, is amended  
6 to read as follows:

7 "75-6701. Application of budget system for districts.  
8 The school budgeting procedure and provisions of this ~~title~~  
9 ~~title shall~~ apply to elementary, ~~and~~ high school ~~and~~ AND  
10 ~~community-college~~ COMMUNITY COLLEGE districts, and to all  
11 funds requiring the adoption of a budget. Each district  
12 shall separately propose and adopt a budget in accordance  
13 with the requirements of this ~~title title~~."

14 SECTION 15. SECTION 75-6702, R.C.M. 1947, IS AMENDED  
15 TO READ AS FOLLOWS:

16 "75-6702. General supervision of school budgeting  
17 system. The superintendent of public instruction ~~shall have~~  
18 has general supervision over the school budgeting procedure  
19 and provisions, as they relate to elementary and high school  
20 districts, prescribed by law and shall ~~have the duty to~~  
21 establish such ~~regulations~~ rules as are necessary to secure  
22 compliance with the school budgeting laws."

23 Section 16. Section 75-6802, R.C.M. 1947, is amended  
24 to read as follows:

25 "75-6802. Application of law and superintendent of

1 public instruction supervision. The school financial  
2 administration provisions of this ~~title title~~ shall apply to  
3 all moneys of any elementary or high school district or ~~any~~  
4 OR ANY community ~~college~~ ~~district~~ COMMUNITY COLLEGE  
5 DISTRICT, excepting ~~except~~ the ~~extra-curricular~~  
6 extracurricular moneys realized from pupil activities. The  
7 superintendent of public instruction shall ~~has~~ have general  
8 ~~supervision~~ supervisory authority over the school financial  
9 administration provisions, AS THEY RELATE TO ELEMENTARY AND  
10 HIGH SCHOOL DISTRICTS, as prescribed by law and shall ~~have~~  
11 ~~the duty to~~ establish such rules ~~and regulations~~ as are  
12 necessary to secure compliance with the law."

13 Section 17. Section 75-6807, R.C.M. 1947, is amended  
14 to read as follows:

15 "75-6807. Examination of district accounting records.  
16 (1) The accounting records of all ~~districts first and~~  
17 ~~second class district and each third class district~~  
18 ~~maintaining a high school~~ shall be audited annually by the  
19 ~~department of community affairs state examiner~~ in accordance  
20 with ~~82-4516 section 82-1000~~ R.C.M. 1947.

21 (2) Annually and at such other times as directed by  
22 the board of county commissioners or trustees, the county  
23 auditor, or the county treasurer if there is no county  
24 auditor, shall audit the accounting records of each  
25 third-class district that does not maintain a high school.

1 Such district shall deliver all accounting records to the  
2 auditing county official no later than ~~the-fifteenth-day-of~~  
3 July 15 for the audit of the financial activity of the last  
4 completed school fiscal year. The auditing county official  
5 shall examine the accounting records, prepare an audit  
6 report, and shall:

7 (1)(a) return the accounting records to the district  
8 no later than ~~the-fifteenth-day-of~~ August 15;

9 (2)(b) send a copy of the audit report to the chairman  
10 of the trustees; and

11 (3)(c) file copies of the audit report with the county  
12 superintendent and the county clerk and recorder."

13 Section 18. Section 75-6808, R.C.M. 1947, is amended  
14 to read as follows:

15 "75-6808. Pecuniary interests, letting contracts, and  
16 calling for bids, under certain circumstances. (1) It shall  
17 be ~~is~~ unlawful for any trustee to:

18 (1)(a) have any pecuniary interest, either directly or  
19 indirectly, in any contract for the erection of any school  
20 building, or for warming, ventilating, furnishing, or  
21 repairing the same; or

22 (2)(b) be in any manner connected with the furnishing  
23 of supplies for the maintenance and operation of the  
24 schools; or

25 (3)(c) be employed in any capacity by the school

1 district of which he is trustee.

2 (4) Whenever the estimated cost of any building,  
3 furnishing, repairing, or other work for the benefit of the  
4 district or purchasing of supplies for the district, exceeds  
5 the sum of ~~four-thousand-dollars (\$4,000.00)~~, the work done,  
6 or the purchase made shall be by contract. Each such  
7 contract must be let to the lowest responsible bidder after  
8 advertisement for bids. Such advertisement shall be  
9 published in the newspaper which will give notice to the  
10 largest number of people of the district as determined by  
11 the trustees. Such advertisement shall be made once each  
12 week for ~~two~~ 2 consecutive weeks and the second publication  
13 shall be made not less than ~~five~~ (5) days nor ~~or~~ more than  
14 ~~twelve~~ (12) days before consideration of bids. Any  
15 contract not let pursuant to this section shall be void.

16 (3) ~~in-all-cases-where~~ Whenever bidding is required,  
17 the trustees shall award the contract to the lowest  
18 responsible bidder, except that the trustees ~~shall-have-the~~  
19 ~~right-to~~ may reject any or all bids.

20 (4) With regard to contracting for work or supplies,  
21 the board of trustees of a community college district ~~are~~  
22 ~~shall-be~~ subject to the provisions of section 75-8118."

23 Section 19. Section 75-6914, R.C.M. 1947, is amended  
24 to read as follows:

25 "75-6914. Apportionment of county equalization moneys



1 by county superintendent. The county superintendent shall  
 2 separately apportion the revenues deposited in the basic  
 3 county tax account and the revenues deposited in the basic  
 4 special tax for high schools account to the several  
 5 districts of the county on a quarterly basis. ~~The such~~  
 6 apportionments shall be known as "county equalization  
 7 moneys". Before the county superintendent makes the  
 8 quarterly apportionments, he shall:

9 (1) deduct from the revenues available in the basic  
 10 county tax account the amount required for the quarter to  
 11 pay the county's obligation for elementary transportation  
 12 reimbursements; and

13 (2) deduct from the revenues available in the basic  
 14 special tax for high schools account the amount required  
 15 from ~~for~~ the quarter to pay the county's obligation for high  
 16 school out-of-county tuition."

17 Section 20. Section 75-7016, R.C.M. 1947, is amended  
 18 to read as follows:

19 "75-7016. Determining residence. When the residence of  
 20 an eligible transportee is a matter of controversy and is an  
 21 issue before a board of trustees, a county transportation  
 22 committee, or the superintendent of public instruction, ~~the~~  
 23 ~~such~~ residence shall be established on the basis of the  
 24 general state residence law as provided in ~~section~~ 83-303  
 25 ~~Revised--1947. Where whenever~~ any district or county is

1 determined to be responsible for paying tuition for any  
 2 pupil in accordance with ~~sections~~ 75-6313, 75-6314, and ~~or~~  
 3 75-6316, the residence of the pupil for tuition purposes  
 4 ~~shall--be~~ is the residence of ~~such the~~ pupil for  
 5 transportation purposes."

6 Section 21. Section 75-7017, R.C.M. 1947, is amended  
 7 to read as follows:

8 "75-7017. Determination of mileage distances. When the  
 9 mileage ~~district~~ ~~distance~~ that transportation services are  
 10 to be provided is a matter of controversy and is an issue  
 11 before a board of trustees, a county transportation  
 12 committee, or the superintendent of public instruction, ~~such~~  
 13 ~~the~~ mileage shall be established on the following basis:

14 (1) The distance in mileage shall be measured by a  
 15 vehicle equipped with an accurate odometer.

16 (2) A representative of the applicable district and a  
 17 parent or guardian of the child to be transported shall be  
 18 present when the distance is measured.

19 (3) The measurement shall begin ~~six~~ ~~(6)~~ yards from the  
 20 family home and ~~ends~~ ~~and~~ ~~six~~ ~~(6)~~ yards from the entrance of  
 21 the school grounds closest to the route ~~and~~.

22 (4) The route traversed for the measurement shall be  
 23 the route designated by the trustees, except that ~~such the~~  
 24 route shall be reasonably passable during the entire school  
 25 fiscal year by the vehicle that provides the child's

1 transportation. In determining reasonable passage, a route  
 2 ~~shall~~ may not be disqualified because it is impassable  
 3 during temporary, extreme weather conditions such as rains,  
 4 snow, or floods."

5 Section 22. Section 75-7018, R.C.M. 1947, is amended  
 6 to read as follows:

7 "75-7018. Schedule of maximum reimbursement by bus  
 8 mileage rates. (1) The following bus mileage rates for  
 9 school bus transportation constitute the maximum  
 10 reimbursement to districts for school bus transportation  
 11 from state and county sources of transportation revenue  
 12 under the provisions of ~~sections~~ 75-7022 and 75-7023. These  
 13 rates shall not limit the amount which a district may budget  
 14 in its transportation fund budget in order to provide for  
 15 the estimated and necessary cost of school bus  
 16 transportation during the ensuing school fiscal year. Any  
 17 vehicle, the operation of which is ~~The operation of any~~  
 18 vehicle reimbursed under the rate provisions of this  
 19 schedule, shall be a school bus, as defined by this ~~title~~  
 20 title, driven by a qualified driver on a bus route approved  
 21 by the county transportation committee and the  
 22 superintendent of public instruction.

23 ~~(1)(2)~~ The rate per bus mile traveled shall be  
 24 determined in accordance with the following schedule when  
 25 the number of eligible transportees boarding such school bus

1 on an approved route is not less than ~~seventy-five-per-cent~~  
 2 ~~(75%)~~ of its rated capacity:

3 (a) ~~thirty-five~~ 35 cents ~~(\$.35)~~ per bus mile for a  
 4 school bus with a rated capacity of not less than ~~twelve~~  
 5 ~~(12)~~ but not more than ~~fifty~~ (50) children; and

6 (b) when the rated capacity is more than ~~fifty~~ (50)  
 7 children, an additional ~~two~~ 2 cents ~~(\$.02)~~ per bus mile for  
 8 each additional child in the rated capacity in excess of  
 9 ~~fifty~~ (50) shall be added to a base rate of 35 ~~thirty-five~~  
 10 cents ~~(\$.35)~~ per bus mile.

11 ~~(2)(1)~~ When the number of eligible transportees  
 12 boarding a school bus on an approved route is less than  
 13 ~~seventy-five-per-cent~~ (75%) of its rated capacity, the rate  
 14 per bus mile traveled shall be computed as follows:

15 (a) determine the number of eligible transportees  
 16 boarding the school bus on such route;

17 (b) multiply the number determined in subsection ~~(2)~~  
 18 (1)(a) by ~~twenty-five-per-cent~~ (25%) and round-off to the  
 19 nearest whole number;

20 (c) add the amount calculated in subsection ~~(2)(1)(b)~~  
 21 to the number determined in subsection ~~(2)(1)(a)~~ to  
 22 determine the adjusted rated capacity for the bus; and

23 (d) use the adjusted rated capacity determined in  
 24 subsection ~~(2)(1)(c)~~ as the rated capacity of such bus to  
 25 determine the rate per bus mile traveled from the rate

1 schedule in subsection ~~(1)(2)~~ above.

2 ~~(4)~~ The rated capacity shall be the number of riding  
3 positions of a school bus as determined under the policy  
4 adopted by the board of public education."

5 Section 23. Section 75-7119, R.C.M. 1947, is amended  
6 to read as follows:

7 "75-7119. Notice of sale of school district bonds. The  
8 trustees shall cause the notice of the sale of the bonds to  
9 be given. The notice shall state the purpose for which the  
10 bonds are to be issued and the amount proposed to be issued,  
11 and shall be substantially in the following form:

12 NOTICE OF SALE OF SCHOOL DISTRICT BONDS

13 Notice is hereby given by the trustees of School  
14 District No. .... of .... County, state of Montana, that the  
15 ~~said~~ trustees will on the .... day of ....., 19.., at the  
16 hour of .... o'clock ..... at ....., in the ~~said~~ school  
17 district, sell to the highest and best bidder for cash,  
18 either amortization or serial bonds of the ~~said~~ school  
19 district in the total amount of .... dollars (\$....), for  
20 the purpose of .....

21 Amortization bonds will be the first choice and serial  
22 bonds will be the second choice of the trustees.

23 If amortization bonds are sold and issued, the entire  
24 issue may be put into one single bond or divided into  
25 several bonds, as the trustees may determine upon at the

1 time of sale, both principal and interest to be payable in  
2 semiannual installments during a period of .... years from  
3 the date of issue.

4 If serial bonds are issued and sold they will be in the  
5 amount of .... dollars (\$....) each, ~~(....dollars-(\$....))~~  
6 the sum of .... dollars (\$....) of the ~~said~~ serial bonds  
7 will become payable on the .... day of ....., 19.., and the  
8 sum of .... dollars (\$....) will become payable on the same  
9 day each year thereafter until all of such ~~the~~ bonds are  
10 paid.

11 The bonds, whether amortization or serial bonds, will  
12 bear date of ....., 19.., and will bear interest at a rate  
13 not exceeding ~~seven--per--cent~~ ~~(7%)~~ per annum, payable  
14 semiannually, on the .... day of .... (month) and ....  
15 (month) in each year, and will be redeemable in full. (Here  
16 insert optional provisions, if any, to be recited on the  
17 bonds.)

18 The bonds will be sold for not less than their par  
19 value with accrued interest, and all bidders must state the  
20 lowest rate of interest at which they will purchase the  
21 bonds at par. Such ~~the~~ bonds shall be sold in open  
22 competition bidding, by written bids, or by sealed bids. The  
23 trustees reserve the right to reject any and all bids and to  
24 sell the ~~said~~ bonds at private sale.

25 All bids other than by or on behalf of the state board

1 of land commissioners must be accompanied by money, a  
 2 certified check, cashier's check, bank money order, or bank  
 3 draft, drawn and issued by a national banking association  
 4 located in Montana or by any banking corporation  
 5 incorporated under the laws of Montana, in the sum of ....  
 6 dollars (\$....) payable to the order of the district, which  
 7 will be forfeited by the successful bidder in the event that  
 8 he shall refuse to purchase the bonds.

9 All bids should be addressed to the undersigned  
 10 district.

11 .....  
 12 Chairman, School District No. ....  
 13 of .... County  
 14 Address: ....

15 ATTEST: Subscribed and sworn to before me this .... day of  
 16 ...., 19... .... Notary Public for the State Residing at  
 17 ....., Montana. My Commission expires ....."

18 Section 24. Section 75-7309, R.C.M. 1947, is amended  
 19 to read as follows:

20 "75-7309. Gifts, legacies, devises, and administration  
 21 of endowment fund. (1) The trustees of any district ~~may~~  
 22 ~~shall have the authority and the power to~~ accept gifts,  
 23 legacies, and devises, subject to the conditions imposed by  
 24 the deed of the donor, or the will of the testator or  
 25 without any conditions imposed. Unless otherwise specified

1 by the donor, deviser, or testator, when a district receives  
 2 a gift, legacy, or devise, the trustees shall deposit such  
 3 gift, legacy, devise, or the proceeds therefrom in an  
 4 endowment fund. The trustees shall administer the endowment  
 5 fund so as to preserve the principal from loss, and only the  
 6 income from such ~~the~~ fund shall be appropriated for any  
 7 purpose.

8 (2) Unless the conditions of the endowment instrument  
 9 require an immediate disbursement of such ~~the~~ money, the  
 10 money deposited in the endowment fund shall be invested by  
 11 the trustees, notwithstanding the provisions of any other  
 12 state law, in:

13 (1)(a) school district bonds of the district;  
 14 (2)(b) bonds of other school districts within the  
 15 state;

16 (3)(c) first mortgage bonds, debentures, notes, and  
 17 other evidences of indebtedness ~~issued issues~~, assumed, or  
 18 guaranteed by any solvent and operating public utility  
 19 corporation existing under the laws of the United States of  
 20 America or any state thereof which bonds, debentures, notes,  
 21 and other evidences of indebtedness are, at the time of such  
 22 investment, within the three (3) highest quality grades for  
 23 the rating of such bonds, debentures, notes, and other  
 24 evidences of indebtedness by any nationally recognized  
 25 investment rating agency;

1       ~~(4)(d)~~ certificates of deposit of either Montana banks  
2 insured by the ~~Federal Deposit Insurance Corporation~~ federal  
3 deposit insurance corporation; or

4       ~~(5)(a)~~ direct obligations of the United States  
5 government.

6       ~~(3)~~ All interest collected on ~~such the~~ deposits or  
7 investments shall be credited to the endowment fund. No  
8 portion of the endowment fund ~~shall may~~ be loaned to the  
9 district nor ~~shall may~~ any money of ~~such the~~ fund be  
10 invested in warrants of the district.

11       ~~(4)~~ Whenever any district has been abandoned, the  
12 endowment fund of ~~such the~~ abandoned district shall be  
13 transferred and placed in the endowment fund in the district  
14 to which the territory is attached.

15       ~~(5)~~ As the custodian of the endowment fund, the county  
16 treasurer ~~shall be~~ is liable on his official bond for the  
17 endowment fund of any district of the county. No later than  
18 ~~the first day of~~ July 1 of each school fiscal year, the  
19 county treasurer shall account to the trustees of each  
20 district on the condition of its endowment fund including  
21 the status of the investments that have been made with the  
22 money of the fund. The county treasurer shall also include  
23 the endowment fund in his reports to the board of county  
24 commissioners.

25       ~~(6)~~ The trustees of any district having an endowment

1 fund shall provide suitable memorials for all persons or  
2 associations of persons making gifts to the district which  
3 become a part of the endowment fund."

4       Section 25. Section 75-7607, R.C.M. 1947, is amended  
5 to read as follows:

6       "75-7607. Notification and processing of complaint  
7 against a licensed textbook dealer. ~~(1) it shall be the~~  
8 ~~duty of any~~ A district or county superintendent shall  
9 notify the superintendent of public instruction whenever it  
10 is ascertained that a licensed textbook dealer is:

11       ~~(1) offering to supply textbooks without a license as~~  
12 ~~prescribed in section 75-7605;~~

13       ~~(2)(a)~~ offering to sell textbooks at a higher price  
14 than the listed uniform sales price filed with the  
15 superintendent of public instruction;

16       ~~(3)(b)~~ offering to sell textbooks at a higher shipping  
17 point price than the shipping point price of the same  
18 textbooks distributed elsewhere in the United States; or

19       ~~(4)(c)~~ in any other way performing contrary to the  
20 laws regulating the offering of textbooks for sale or  
21 adoption to districts.

22       ~~(2)~~ Upon receipt of such notification from the  
23 district or county superintendent, the superintendent of  
24 public instruction shall notify the appropriate licensed  
25 textbook dealer of the complaint. ~~Once~~ If the superintendent

1 of public instruction ~~has--found~~ finds that the licensed  
 2 textbook dealer has violated any provision of this section  
 3 and ~~he~~ the dealer fails to rectify his error within ~~thirty~~  
 4 ~~{30}~~ days of the notification of the finding of a violation,  
 5 he shall forfeit his surety bond. The attorney general, upon  
 6 written request of the superintendent of public instruction,  
 7 shall proceed to collect by legal action the full amount of  
 8 the surety bond. Any amount so recovered shall be paid into  
 9 the state public school equalization aid account."

10 Section 26. Section 75-7709, R.C.M. 1947, is amended  
 11 to read as follows:

12 "75-7709. Sources of financing for ~~post-secondary~~  
 13 ~~postsecondary~~ vocational-technical center budgets -- board  
 14 of public education administration. ~~{1}~~ The total of the  
 15 budgets approved by the board of public education together  
 16 with the budget for the cost of state administration of the  
 17 ~~post-secondary~~ ~~postsecondary~~ vocational-technical centers  
 18 shall constitute the total maximum approved ~~state-wide~~  
 19 ~~statewide~~ budget which shall be financed as follows:

20 ~~{1}~~~~(a)~~ The primary source of financing is to be those  
 21 funds specifically designated by legislative enactment or  
 22 referendum by the people for financing ~~post-secondary~~  
 23 ~~postsecondary~~ vocational-technical education in Montana.

24 ~~{2}~~~~(b)~~ The board of county commissioners of each  
 25 county in which a designated ~~post-secondary~~ ~~postsecondary~~

1 vocational-technical center is located is hereby authorized  
 2 to levy a tax of not to exceed ~~one~~ ~~{1}~~ mill on the dollar of  
 3 all taxable property, real and personal, within the county  
 4 for the support and maintenance of the ~~post-secondary~~  
 5 ~~postsecondary~~ vocational-technical center located within the  
 6 ~~said~~ county.

7 ~~{3}~~~~(c)~~ Designated ~~post-secondary~~ ~~postsecondary~~  
 8 vocational-technical centers shall be eligible to receive  
 9 such funds from the federal government as the board of  
 10 public education may provide pursuant to applicable ~~acts--of~~  
 11 ~~for~~ ~~gress~~ ~~acts~~ ~~of~~ ~~congress~~.

12 ~~{4}~~~~(d)~~ The board of trustees of any designated high  
 13 school district, or county high school district where a  
 14 ~~post-secondary~~ ~~postsecondary~~ ~~vocational~~ ~~vocational-technical~~  
 15 center is located may be required, as a condition for the  
 16 construction in ~~such~~ ~~that~~ district of a ~~post-secondary~~  
 17 ~~postsecondary~~ ~~vocational~~ ~~vocational-technical~~ center, or any  
 18 part thereof, to furnish up to ~~fifty-percent~~ (50%) of the  
 19 amount of funds required for any such construction. The  
 20 percentage of construction funds to be furnished by ~~such~~ ~~the~~  
 21 designated district shall be derived, in whole or in part,  
 22 from any of the following sources:

23 ~~{5}~~~~(i)~~ ~~The~~ ~~the~~ sale of bonds issued by ~~such~~ ~~that~~  
 24 district. ~~Such~~ ~~{such}~~ bonds shall be issued in conformity  
 25 with the requirements of chapter 71 of ~~title~~ ~~title~~ 75 in the

1 case of high school and county high school districts;  
 2 ~~(b)(iii) Any and~~ other funds available to ~~such that~~  
 3 district which may be legally and properly applied toward  
 4 such construction;  
 5 ~~(c)(iii) The the~~ reasonable value of land, buildings,  
 6 fixtures, or equipment furnished by ~~such that~~ district,  
 7 subject to the approval of the board of public education.  
 8 ~~(5)(e) If the aggregate financing provided by sources~~  
 9 of revenue in ~~(1)(d), (1)(b), and (1)(c) of this~~  
 10 ~~section does not provide one-hundred-per-cent (100%)~~  
 11 financing of the maximum approved ~~state-wide statewide~~  
 12 budget, the remaining deficiency shall be financed from any  
 13 state funds appropriated by the legislature for  
 14 ~~post-secondary postsecondary~~ vocational-technical education.  
 15 (2) The board of public education shall direct the  
 16 distribution of the funds specified in subsections ~~(1)~~  
 17 ~~(1)(a), (1)(c), and (1)(e)~~ of this section on the  
 18 basis of the budgets approved by the board of public  
 19 education. The funds earned by the mill levy specified in  
 20 subsection ~~(1)(b)~~ of this section shall be credited by  
 21 the county treasurer to the ~~post-secondary, postsecondary~~  
 22 vocational-technical center fund.  
 23 (3) The board of public education shall determine the  
 24 amount of financing available from these five sources of  
 25 revenue and may approve budgets for maintenance and

1 operation, construction, and ancillary services. The  
 2 aggregate amount of the budgets so approved by the board of  
 3 public education for ~~post-secondary postsecondary~~  
 4 vocational-technical centers shall not exceed the moneys  
 5 determined to be available."  
 6 Section 27. Section 75-7801, R.C.M. 1947, is amended  
 7 to read as follows:  
 8 "75-7801. Definitions. As used in this ~~title title,~~  
 9 unless the context clearly indicates otherwise, ~~the~~  
 10 following definitions apply:  
 11 (1) "Special education" means the kind of instruction  
 12 requiring special facilities or programs for mentally  
 13 retarded or physically handicapped children or for  
 14 educationally handicapped persons.  
 15 (2) A "mentally retarded child" means any child who is  
 16 not capable of profiting from the regular instruction of a  
 17 school because his mental ability is substantially below the  
 18 mental ability of an average child of the same age. Mentally  
 19 retarded children are classified as follows:  
 20 (a) An "educable mentally retarded child" means a  
 21 child who at maturity cannot be expected to attain a level  
 22 of intellectual functioning greater than that commonly  
 23 expected of an ~~eleven-year-old 11-year-old~~ child, but not  
 24 less than that of a ~~seven-year-old 7-year-old~~ child.  
 25 (b) A "trainable mentally retarded child" means a

1 child who at maturity cannot be expected to attain a level  
 2 of intellectual functioning greater than that commonly  
 3 expected of a ~~seven-year-old~~ 7-year old child and, for  
 4 entrance into a training program, is capable of walking, of  
 5 clean body habits, and of obedience to simple commands.

6 (c) A "custodial mentally retarded child" means a  
 7 child who does not show a likelihood of attaining clean body  
 8 habits, responsiveness to directions, or means of  
 9 intelligible communication.

10 [3] A "physically handicapped child" means a child who  
 11 is capable of profiting from the regular instruction with  
 12 the assistance of special equipment, special services, or  
 13 transportation to compensate for physical disabilities such  
 14 as, but not limited to, cardiac impairment, cerebral palsy,  
 15 chronic health problems, or inadequate speech, hearing, or  
 16 vision.

17 [4] An "educationally handicapped person" means a  
 18 child or young adult under the age of ~~twenty-one~~ (21) years  
 19 who requires special assistance to the extent that he cannot  
 20 reasonably profit from the regular education program. An  
 21 educationally handicapped person's learning disorders  
 22 include, but are not limited to, conditions which have been  
 23 referred to as visual perception handicaps, brain injury,  
 24 minimal brain dysfunction, dyslexia, behavioral  
 25 maladjustment, and ~~or~~ emotional disturbances. An

1 educationally handicapped person's disorders are not the  
 2 result of problems with visual acuity, hearing impairment,  
 3 physical handicaps, cultural or instructional factors, and  
 4 ~~or~~ mental retardation."

5 Section 28. Section 75-8132, R.C.M. 1947, is amended  
 6 to read as follows:

7 "75-8132. Tax levy. On the second Monday of August,  
 8 the board of county commissioners of any county where a  
 9 community college district is located shall fix and levy a  
 10 tax on all the real and personal property within the  
 11 community college district at the rate required to finance  
 12 the ~~three-(3)~~ mandatory mill levy prescribed by ~~subsection~~  
 13 ~~(1)~~ of section 75-8128(2) plus any approved additional levy.  
 14 When a community college district has territory in more than  
 15 one county, the board of county commissioners of each county  
 16 shall fix and levy the community college district tax on all  
 17 the real and personal property of the community college  
 18 district situated in its county."

19 Section 29. Section 75-8307, R.C.M. 1947, is amended  
 20 to read as follows:

21 "75-8307. Penalty. Unless otherwise specifically  
 22 provided by law, any person who ~~shall violate~~ violates any  
 23 ~~provisions~~ provision of this title ~~shall be deemed is~~  
 24 guilty of a misdemeanor and, if convicted by a court of  
 25 competent jurisdiction, shall be ~~fin~~ punished by a fine of



1 not less than ~~twenty-dollars~~ ~~{20}~~ or more than two-hundred  
 2 ~~dollars~~ ~~{200}~~ or by imprisonment in the county jail for  
 3 not less than five ~~{5}~~ days or more than thirty ~~{30}~~ days,  
 4 or by both such fine and imprisonment."

5 Section 30. Section 75-8312, R.C.M. 1947, is amended  
 6 to read as follows:

7 "75-8312. Educational impact statements defined --  
 8 when required. When a county superintendent of schools finds  
 9 that a person intends to construct or locate a major  
 10 industrial facility, as defined in section 75-7104, or  
 11 intends to open a new strip mine, as defined by section  
 12 50-1603, within the county, the superintendent may require  
 13 such person to file with the county an educational impact  
 14 statement. An educational impact statement is a report  
 15 estimating the increased demands on public schools in the  
 16 county as a consequence of the major industrial facility ~~or~~  
 17 ~~strip mine~~. The statement shall indicate:

18 (1) the numbers ~~number~~ of persons, ~~---and---their~~  
 19 ~~anticipated-residential-distribution~~ to be employed during  
 20 the construction or preparation and during the operation of  
 21 the major industrial facility ~~or strip mine and their~~  
 22 ~~anticipated residential distribution~~;

23 (2) the numbers ~~number~~ and anticipated distribution of  
 24 persons employed in providing goods and services to the  
 25 persons enumerated in the preceding category;

1 (3) the numbers ~~number~~ of school age children  
 2 anticipated to be living with the persons enumerated in the  
 3 preceding categories; and

4 (4) the time periods covered by each preceding  
 5 estimate."

6 Section 31. Section 75-8404, R.C.M. 1947, is amended  
 7 to read as follows:

8 "75-8404. Prohibition against use of name of system.  
 9 (1) The state has the exclusive right to the name "the  
 10 Montana university system".

11 (2) No other institution of learning or corporation  
 12 shall ~~may~~ use the name "the Montana university system" or  
 13 similar name.

14 (3) The attorney general shall bring an action in the  
 15 name of the state against any person, association, or  
 16 corporation using the same or similar name.

17 (4) The penalty for violation of this section shall be  
 18 the dissolution of the corporation and a ~~fine in a~~ sum not  
 19 exceeding five-hundred-dollars ~~{500}~~ nor ~~or~~ less than one  
 20 hundred-dollars ~~{100}~~."

21 Section 32. Section 75-8504, R.C.M. 1947, is amended  
 22 to read as follows:

23 "75-8504. Borrowing by regents. In carrying out the  
 24 above powers, the regents may:

25 (1) ~~Borrow borrow~~ money for any purpose or purposes

1 stated in this chapter, including, if ~~deemed~~ considered  
 2 desirable by the regents, the payment of interest on the  
 3 money borrowed for a facility during the construction  
 4 thereof and for one {1} year thereafter and the creation of  
 5 a reserve for the payment of bond principal and interest*;*

6 (2) ~~Make~~ make purchases on a time or installment  
 7 basis*;*

8 (3) ~~issue~~ issue bonds, notes, and other securities,  
 9 negotiable or otherwise, secured as provided in this  
 10 section, including bearer bonds with appurtenant interest  
 11 coupons, which shall be fully negotiable notwithstanding any  
 12 limitation on the source of payment thereof, or fully  
 13 registered bonds, or bonds registered as to ownership of  
 14 principal only*;*

15 (4) ~~Pledge~~ pledge for the payment of the purchase  
 16 price of any facility or of the principal and interest on  
 17 bonds, notes, or other securities authorized in this chapter  
 18 or otherwise obligate:

19 (a) the net income received from rents, board, or both  
 20 in housing, food service, and other facilities;

21 (b) receipts from student building, activity, union,  
 22 and other special fees prescribed by the regents for all  
 23 students; and

24 (c) other income in the form of gifts, bequests,  
 25 contributions, federal grants of funds, including the

1 proceeds or income from grants of lands or other real or  
 2 personal property*;* receipts from athletic and other  
 3 contests, exhibitions, and performances*;* and collections of  
 4 admissions and other charges for the use of facilities  
 5 including all use by other persons, firms, and corporations  
 6 for athletic and other contests, exhibitions, and  
 7 performances and for the conduct of their business,  
 8 educational, or governmental functions*;*

9 (5) ~~Make~~ make payments on loans or purchases from any  
 10 other available income not obligated for such ~~those~~  
 11 purposes, including receipts from sale of materials,  
 12 equipment, and fixtures of such ~~the~~ facilities, or from  
 13 sales of the facilities themselves other than land*;*

14 (6) ~~Secure~~ secure any bonds authorized hereunder by a  
 15 trust indenture between the regents and any bank or trust  
 16 company within or without the state of Montana, or by a  
 17 resolution establishing covenants of the regents with the  
 18 holders of such bonds, relating to the construction,  
 19 operation, use, and insurance of the facilities*;* the  
 20 segregation, expenditure, and audit of accounts of the bond  
 21 proceeds and of the income pledged*;* the establishment and  
 22 collection of rents, charges, admissions, and fees  
 23 sufficient to provide net income adequate for prompt payment  
 24 of principal and interest on bonds and creation and  
 25 maintenance of reserves for that purpose*;* and such other

1 matters as the regents may determine to be necessary or  
2 desirable for the security and marketability of the bonds;

3 (7) ~~issue issue~~ and sell or exchange bonds, secured as  
4 provided in this section, for the refunding of any  
5 outstanding bonds or other obligations ~~heretofore--or~~  
6 ~~hereafter issued before or after January 29, 1971,~~ by the  
7 regents, subject to the following provisions:

8 (a) ~~Refunding refunding~~ bonds may, with the consent of  
9 the holders of the bonds to be refunded thereby, be  
10 exchanged at par plus accrued interest for all or part of  
11 such bonds, or may be sold at a price not less than par plus  
12 accrued interest. They may be secured by a pledge of the  
13 same revenue as the bonds refunded, or by a pledge of  
14 different or additional revenues received at the same unit  
15 of the university. Nothing herein shall require the holder  
16 of any outstanding bond to accept payment thereof or the  
17 delivery of a refunding bond in exchange therefor, except in  
18 accordance with the terms of ~~such the~~ outstanding bond.  
19 Bonds may be issued to refund interest as well as principal  
20 actually due and payable, if the revenues pledged therefor  
21 are not sufficient, but not to refund any bonds or interest  
22 due which can be paid from revenues then on hand.

23 (b) ~~Refunding refunding~~ bonds may bear interest at a  
24 rate lower or higher than the bonds refunded thereby, if  
25 they are issued to refund matured principal or interest for

1 the payment of which revenues on hand are not sufficient, or  
2 if they are issued to refund before maturity bonds issued  
3 before January 1, 1965, for the purpose of releasing  
4 revenues required for payment of the outstanding bonds  
5 permitting the pledge thereof for the security of other  
6 bonds as well as the refunding bonds, subject to the rights  
7 of the holders of the outstanding bonds until those bonds  
8 are fully paid and redeemed. Except as authorized in the  
9 preceding sentence, refunding bonds shall not be issued  
10 unless their average annual interest rate, computed to their  
11 stated maturity dates and excluding any premium from such  
12 computation, is at least ~~three-eighths-of-one-per-cent~~  $\{3/8$   
13 ~~of 1%~~ less than the average annual interest rate on the  
14 bonds refunded thereby, computed to their respective stated  
15 maturity dates.

16 (c) ~~in in~~ any case where refunding bonds are issued  
17 and sold ~~six~~  $\{6\}$  months or more before the earliest date on  
18 which all bonds refunded thereby mature or are prepayable in  
19 accordance with their terms, the proceeds of the refunding  
20 bonds, including any premium and accrued interest, shall be  
21 deposited in escrow with a suitable bank or trust company  
22 having its principal place of business within or without the  
23 state, which is a member of the federal reserve system and  
24 has a combined capital and surplus not less than one  $\{1$   
25 million ~~dollars~~  $\{1,000,000\}$  and shall be invested in such

1 ~~the~~ amount and in securities maturing on ~~such the~~ dates and  
 2 bearing interest at ~~such the~~ rates ~~as-shall~~ which will be  
 3 required to provide funds sufficient to pay when due the  
 4 interest to accrue on each bond refunded to its maturity or,  
 5 if it is prepayable, to the earliest prior date upon which  
 6 ~~such the~~ bond may be called for redemption from the proceeds  
 7 of the refunding bonds, and to pay and redeem the principal  
 8 amount of each ~~such~~ bond at maturity or, if prepayable, at  
 9 ~~said on that~~ redemption date, and any premium required for  
 10 redemption on ~~such that~~ date, ~~and-the the~~ resolution or  
 11 indenture authorizing the refunding bonds shall irrevocably  
 12 appropriate for these purposes the escrow fund and all  
 13 income therefrom, and shall provide for the call of all  
 14 prepayable bonds in accordance with their terms. The  
 15 securities to be purchased with such escrow funds shall be  
 16 limited to general obligations of the United States,  
 17 securities whose principal and interest payments are  
 18 guaranteed by the United States, and securities issued by  
 19 the following United States government agencies: banks for  
 20 ~~co-operatives cooperatives~~, federal home loan banks, federal  
 21 intermediate credit banks, federal land banks, and the  
 22 federal national mortgage association. ~~Such the~~ securities  
 23 shall be purchased simultaneously with the delivery of the  
 24 refunding bonds.

25 (d) ~~Revenues revenues~~ or other funds on hand, in

1 excess of amount pledged by resolutions or indentures  
 2 authorizing outstanding bonds for the payment of principal  
 3 and interest currently due thereon and reserves securing  
 4 such payment, may be used to pay the expenses incurred by  
 5 the regents for the purpose of ~~such~~ refunding, including but  
 6 without limitation the cost of advertising and printing  
 7 refunding bonds, legal and financial advice and assistance  
 8 in connection therewith, and the reasonable and customary  
 9 charges of escrow agents and paying agents. Revenues and  
 10 other funds on hand, including reserves pledged for the  
 11 payment and security of outstanding revenue bonds, may be  
 12 deposited in an escrow fund created for the retirement of  
 13 ~~such those~~ bonds and may be invested and disbursed as  
 14 provided in subsection (c) hereof, to the extent consistent  
 15 with the resolutions or indentures authorizing such  
 16 outstanding bonds.

17 (8) ~~Sett sell~~ bonds and sell or exchange refunding  
 18 bonds issued hereunder in ~~such the~~ manner and upon ~~such the~~  
 19 terms as to maturities, interest rates, and redemption  
 20 privileges, and for ~~such the~~ price, ~~as that~~ the regents  
 21 shall determine with the approval of the ~~department of~~  
 22 ~~administration state-controller."~~

23 Section 33. Section 75-8609, R.C.M. 1947, is amended  
 24 to read as follows:

25 "75-8609. Control of expenditures. Pursuant to the

1 terms of appropriations of the ~~legislative assembly~~  
 2 legislature or of ~~Congress congress~~ or of gifts of donors,  
 3 the regents shall determine the need for all expenditures,  
 4 and control the purposes for which all funds shall be spent,  
 5 subject to the provisions of the law dealing with state  
 6 purchases the state purchasing agent."

7 Section 34. Section 75-8703, R.C.M. 1947, is amended  
 8 to read as follows:

9 \*75-8703. Presumptions and rules as to domicile.  
 10 (1) Unless the contrary appears to the unit registering  
 11 authority, it is presumed ~~that the domicile of a minor is~~  
 12 that:

13 ~~{1}--The domicile of a minor is that:~~

14 (a) of the parents, or, if one of them is deceased or  
 15 they do not share the same domicile, of the parent having  
 16 legal custody, or, if neither parent has legal custody, the  
 17 parent with whom the minor customarily resides; or

18 (b) of his guardian when the court appointing the  
 19 guardian certifies that the primary purpose of the  
 20 appointment is not to qualify the minor as a resident of  
 21 this state, or,

22 (2) A resident student who marries a nonresident does  
 23 not by that fact alone lose resident status for tuition and  
 24 fee purposes for a period of ~~four~~ {4} years after marriage.

25 (3) Except as provided in the next subsection,

1 residence is not gained or lost because of relocation as a  
 2 member of the armed forces of the United States.

3 (4) Residence may be gained by a member of the armed  
 4 forces of the United States, his spouse, or his children by  
 5 living in Montana for ~~one~~ {1} year, and complying with the  
 6 provisions of this section.

7 (5) A new domicile is established by a qualified  
 8 person if he is physically present in Montana with no  
 9 intention to acquire a domicile outside of Montana.

10 (6) Domicile is not lost by absence from Montana with  
 11 no intention to establish a new domicile.

12 (7) Montana high school graduates are resident  
 13 students of the system for ~~four~~ {4} consecutive years of  
 14 attendance if:

15 (a) they apply for admittance to the system within ~~one~~  
 16 {1} year after graduation; or

17 (b) their parents or the parent having legal custody,  
 18 or, if neither parent has legal custody, the parent with  
 19 whom they customarily reside ~~have~~ has resided in Montana in  
 20 one {1} of the ~~two~~ {2} years immediately preceding the  
 21 graduation.

22 (8) Upon moving to Montana, an adult employed on a  
 23 full-time basis within the state of Montana may apply for  
 24 in-state tuition classification for his spouse or any  
 25 dependent minor child or both. If such person meets the

1 requirement of full-time employment within the state of  
 2 Montana and files for the payment of Montana state income  
 3 taxes, or files estimates of such ~~those~~ taxes, or is subject  
 4 to withholding of ~~said those~~ taxes, and renounces his  
 5 residency in any other state, and is not himself in the  
 6 state primarily as a student, his spouse or any dependent  
 7 minor child, or both, may at the next registration after  
 8 qualifying be classified at the in-state rate, so long as he  
 9 continues his Montana domicile. In the administration of  
 10 this ~~subsection paragraph~~, neither the full-time employee or  
 11 spouse shall be eligible for in-state tuition classification  
 12 if the primary purpose for coming to Montana was the  
 13 education of the employee or spouse."

14 Section 35. Section 75-8705, R.C.M. 1947, is amended  
 15 to read as follows:

16 "75-8705. Indians -- nonpayment of fees. (1) Persons  
 17 of one-fourth ~~(1/4)~~ Indian blood or more and ~~who~~ are bona  
 18 fide residents of the state of Montana for at least one ~~(1)~~  
 19 year prior to enrollment in the Montana university system,  
 20 ~~completing have completed~~ a four-~~(4)~~-year ~~4-year~~ course of  
 21 in an accredited high school or federal Indian school, and  
 22 ~~show showing~~ financial need and evidence of studious and  
 23 industrious habits, may enroll in the university system  
 24 without the payment of fees.

25 (2) Each unit shall make rules governing the selection

1 of these students."

2 Section 36. Section 75-9108, R.C.M. 1947, is amended  
 3 to read as follows:

4 "75-9108. ~~Anti-discrimination~~ **Antidiscrimination.** No  
 5 employer is eligible to employ any person under this program  
 6 ~~which if the~~ employer practices discrimination in employment  
 7 against any individual because of race, ~~creed,~~ religion,  
 8 color, ~~political ideas,~~ sex, or ~~age, marital status,~~  
 9 ~~physical or mental handicap, ancestry, or~~ national origin."

10 Section 37. Section 75-9215, R.C.M. 1947, is amended  
 11 to read as follows:

12 "75-9215. Civil relief. Any person ~~or persons~~ claiming  
 13 loss or damage as a result of any act or practice by a  
 14 postsecondary institution or its agent, or both, which act  
 15 or practice violates the criteria established by the  
 16 department under ~~section-6-(75-9206)~~ ~~of--this--act~~ or the  
 17 prohibitions in ~~section-8-(75-9208)~~ ~~of-this-act,~~ may sue in  
 18 a court of proper jurisdiction of this state the institution  
 19 of ~~or~~ the agent, or both, and their sureties for the amount  
 20 of ~~such the~~ damage or loss and, if successful, shall be  
 21 awarded, in addition to damages, court costs and reasonable  
 22 attorney's fees."

23 Section 38. Section 75-9216, R.C.M. 1947, is amended  
 24 to read as follows:

25 "75-9216. Bonds required. (1) At the time application

1 is made for license, the department may require the  
 2 postsecondary educational institution making such the  
 3 application to file with the department a good and  
 4 sufficient surety bond in such sum as may be determined by  
 5 the department. Said the bond shall be executed by the  
 6 applicant as principal and by a surety company qualified and  
 7 authorized to do business in this state. The bond shall be  
 8 conditioned to provide indemnification to any student or  
 9 enrollee or his parent or guardian, or class thereof,  
 10 determined to have suffered loss or damage as a result of  
 11 any act or practice which is a violation of this act by the  
 12 said postsecondary educational institution and that the  
 13 bonding company shall pay any final nonappealable judgment  
 14 rendered by any court of this state having jurisdiction  
 15 upon receipt of written notification thereof. Regardless of  
 16 the number of years that such the bond is in force, the  
 17 aggregate liability of the surety thereon shall in no event  
 18 exceed the penal sum of the bond. The bond shall be for two  
 19 {2} years or coterminous with the license.

20 (2) An application for a permit shall be accompanied  
 21 by a good and sufficient surety bond in a penal sum of one  
 22 thousand-dollars { \$1,000 }. Said the bond shall be executed  
 23 by the applicant as principal and by a surety company  
 24 qualified and authorized to do business in this state. The  
 25 bond may be in blanket form to cover more than one agent for

1 a postsecondary educational institution, but it shall cover  
 2 each agent for said the institution in a penal sum of one  
 3 thousand--dollars { \$1,000 }. The bond shall be conditioned to  
 4 provide indemnification to any student, enrollee, or his--or  
 5 her the parents or guardian, or class thereof, determined to  
 6 have suffered loss or damage as a result of any act or  
 7 practice which is a violation of this act by said the agent  
 8 and that the bonding company shall pay any final  
 9 nonappealable judgment rendered by any court of this state  
 10 having jurisdiction upon receipt of written notification  
 11 thereof. Regardless of the number of years that such the  
 12 bond is in force, the aggregate liability of the surety  
 13 thereon shall in no event exceed the penal sum thereof. The  
 14 bond shall be for two {2} years or coterminous with the  
 15 permit.

16 (3) The surety bond to be filed hereunder shall cover  
 17 the period of the license or the permit except when a surety  
 18 is shall--be released as--provided--herein. A surety on any  
 19 bond filed under the provisions of this section may be  
 20 released after such the surety shall--serve has served  
 21 written notice to the department forty {40} days prior to  
 22 said the release, but the said release shall does not  
 23 discharge or otherwise affect any claim theretofore--or  
 24 thereafter filed by a student or enrollee or his parent or  
 25 guardian for loss or damage resulting from any act or

1 practice which is a violation of this act alleged to have  
 2 occurred while the bond was in effect, nor ~~or~~ or from an  
 3 institution's ceasing operations during the term for which  
 4 tuition has been paid while the bond was in force.

5 (4) A license for an institution to operate or a  
 6 permit to an agent shall be suspended by operation of law  
 7 when ~~said the~~ institution or agent is no longer covered by a  
 8 surety bond as required by this section; but the department  
 9 shall cause the institution or an agent, or both, to receive  
 10 at least ~~thirty-(30)-days~~ days written notice prior to the  
 11 release of the surety to the effect that the license or  
 12 permit shall be suspended by operation of law until another  
 13 surety bond ~~shall--be is~~ filed in the same manner and like  
 14 amount as the bond being terminated."

15 Section 39. Section 80-102, R.C.M. 1947, is amended to  
 16 read as follows:

17 "80-102. Montana state school for deaf and blind  
 18 independent institution -- rights saved. The school for the  
 19 deaf and blind, formerly located at Boulder in connection  
 20 with the Montana state training school, but heretofore  
 21 transferred before July 1, 1943, to the city of Great Falls,  
 22 shall be known and designated as the Montana state school  
 23 for the deaf and blind, and shall be conducted as a separate  
 24 and independent unit and institution of the state of  
 25 Montana, under the general supervision, direction, and

1 control of the state board of public education, with a local  
 2 executive board to be appointed in the manner, and to have  
 3 the powers, authority, and duties granted to and required of  
 4 ~~such that~~ board, by the provisions of 75-8510 and 75-8511,  
 5 ~~sections--75-302--to--75-304,~~ provided--that ~~However,~~ the  
 6 transfer of ~~such that~~ school, or any change in the name  
 7 thereof, or in the objects or purposes thereof, ~~shall may~~  
 8 not be ~~deemed considered~~ or construed to impair or work any  
 9 forfeiture or alteration of any rights, grants, or property  
 10 heretofore made to or acquired by ~~such that~~ school or by the  
 11 state for the use and benefit of ~~such that~~ school, prior to  
 12 July 1, 1943."

13 Section 40. Repealer. Sections 80-110 and 80-112,  
 14 R.C.M. 1947, are repealed.

-End-