

SENATE BILL 166

IN THE SENATE

January 18, 1979	Introduced and referred to Committee on Education.
February 20, 1979	On motion, ordered printed and placed on second reading.
February 21, 1979	Printed and placed on members' desks.
February 22, 1979	Second reading, indefinitely posponed, as amended. On motion, Senate reconsider its action taken on second reading this Legislative Day. On motion, previous motion laid on the Table. Motion adopted.

1 *Senate* BILL NO. *166*
 2 INTRODUCED BY *Forsander, Blaylock*
 3 BY REQUEST OF THE INTERIM SUBCOMMITTEE ON EDUCATION

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR A STATE
 6 VOCATIONAL-TECHNICAL SYSTEM; AMENDING SECTIONS 20-1-101,
 7 20-2-121, 20-3-106, 20-3-324, 20-6-501, 20-7-302, 20-7-303,
 8 20-7-311, 20-7-314, 20-7-322, 20-7-324, 20-7-331, 20-7-702,
 9 20-7-704, AND 20-7-705, MCA; AND REPEALING SECTIONS
 10 20-7-312, 20-7-313, 20-7-323, 20-7-325, 20-7-332, AND
 11 20-7-333, MCA."

12
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 NEW SECTION. Section 1. Definitions. As used in
 15 [sections 1 through 9], unless the context clearly indicates
 16 otherwise, the following definitions apply:

- 17 (1) "Board" means the board of regents.
- 18 (2) "Commissioner" means the commissioner of higher
 19 education.
- 20 (3) "Director" means the administrative director of a
 21 center.
- 22 (4) "State postsecondary vocational-technical system"
 23 means the system of state-designated centers organized under
 24 the board to meet the state's needs for vocational-technical
 25 education for high school graduates and other persons who

1 have terminated their formal high school education.

2 NEW SECTION. Section 2. Powers and duties of the
 3 board. The board shall:

- 4 (1) supervise and administer centers;
- 5 (2) establish student fee charges prior to September 1
 6 immediately preceding the biennium;
- 7 (3) establish uniform policies as to budgeting,
 8 recordkeeping, and student accounting;
- 9 (4) establish minimum entrance requirements and
 10 approve curricular offerings for all centers;
- 11 (5) establish minimum qualifications of directors,
 12 faculty, and staff;
- 13 (6) establish employment policies;
- 14 (7) approve salaries and wage contracts of all center
 15 employees;
- 16 (8) approve center programs and budgets;
- 17 (9) establish policies for the orderly development of
 18 a state postsecondary vocational-technical system. Such
 19 policies shall include:
 - 20 (a) criteria for approval of courses and programs
 21 which are to receive financial assistance;
 - 22 (b) a system of evaluation of all state postsecondary
 23 vocational-technical system programs administered by the
 24 board. Evaluation shall occur at least once every 3 years
 25 and consider current and projected manpower needs and job

1 opportunities; and

2 (c) any other policy, not inconsistent with the law,
3 that is necessary for the proper operation of the state
4 postsecondary vocational-technical system.

5 (10) receive from any governmental or private entity or
6 person all money and other property a center may be entitled
7 to receive or accept and use the property for the specific
8 purpose of the entitlement, grant, or donation;

9 (11) maintain accountability of all materials and
10 equipment; and

11 (12) grant certificates and degrees to the graduates of
12 a center.

13 NEW SECTION. Section 3. Duties of the commissioner.
14 The commissioner shall, under board policy:

15 (1) be the chief administrative officer for the board
16 for the administration of its state postsecondary
17 vocational-technical system policies;

18 (2) employ, within the limits of any legislative
19 appropriation and with the confirmation of the board, the
20 staff necessary for the state supervision and administration
21 of the board's postsecondary vocational-technical education
22 policies;

23 (3) provide supervisory and consultative assistance to
24 centers.

25 NEW SECTION. Section 4. Appointment and powers and

1 duties of directors. (1) A director for each center shall be
2 appointed by the board. He serves at the pleasure of the
3 board.

4 (2) Consistent with board policies, the director of a
5 center:

6 (a) has general control and supervision of the center;

7 (b) shall adopt rules, not inconsistent with the
8 constitution, the laws of the state, and the policies of the
9 board, for the administration of the center;

10 (c) shall recommend to the board the appointment and
11 dismissal of and compensation and employment terms for
12 instructors and other staff.

13 NEW SECTION. Section 5. Local advisory boards. The
14 board of trustees of the school district in which each
15 center is located shall act in an advisory capacity to the
16 center and the board in matters concerning postsecondary
17 vocational-technical education.

18 NEW SECTION. Section 6. Conflict of interest -- extr:
19 compensation. It is unlawful for any center director or
20 employee to:

21 (1) have any pecuniary interest, either directly or
22 indirectly, in the erection of any building of the center in
23 which he is employed or furnishing or repairing it;

24 (2) be in any manner connected with the furnishing of
25 supplies for the maintenance of the center; or

1 (3) receive or accept any compensation or reward for
2 services rendered, except as provided in [section 2].

3 NEW SECTION. Section 7. Teachers' retirement system.
4 Teachers employed by a center are subject to and eligible
5 for the benefits of the teachers' retirement system provided
6 by law.

7 NEW SECTION. Section 8. Baccalaureate degrees not to
8 be granted. A center may not grant baccalaureate degrees.

9 NEW SECTION. Section 9. Use of name restricted. Only
10 those centers designated by law may use the title "state
11 postsecondary vocational-technical center". All other
12 public or private schools are prohibited from using that
13 title.

14 Section 10. Section 20-1-101, MCA, is amended to read:
15 "20-1-101. Definitions. As used in this title, unless
16 the context clearly indicates otherwise, the following
17 definitions apply:

18 (1) "Agricultural experiment station" means the
19 agricultural experiment station established at Montana state
20 university.

21 (2) "Average number belonging" or "ANB" shall mean the
22 average number of regularly enrolled, full-time pupils
23 attending the public schools of a district.

24 (3) "The board of public education" is the board
25 created by Article X, section 9, subsection (3) of the

1 1972 Montana constitution and 2-15-1507.

2 (4) "Board of regents" means the board of regents of
3 higher education created by Article X, section 9, subsection
4 (2) of the 1972 Montana constitution and 2-15-1505.

5 (5) "Commissioner" means the commissioner of higher
6 education created by Article X, section 9, subsection (2) of
7 the 1972 Montana constitution and 2-15-1506.

8 (6) "County superintendent" means the county
9 government official who is the school officer of the county.

10 (7) "District superintendent" means any person who
11 holds a valid class 3 Montana teacher certificate with a
12 superintendent's endorsement that has been issued by the
13 superintendent of public instruction under the provisions of
14 this title and the policies adopted by the board of public
15 education and who has been employed by a district as a
16 district superintendent.

17 (8) "~~Postsecondary vocational-technical-center center~~"
18 means a ~~state~~ school used principally for the provision of
19 postsecondary vocational-technical education to persons who
20 qualify as postsecondary vocational-technical pupils. These
21 centers are designated by ~~the board of public education upon~~
22 ~~direction by the legislature law.~~ All other public or
23 private schools are hereby prohibited from using this title.

24 (9) "Postsecondary vocational-technical education"
25 means vocational-technical education of postsecondary

1 vocational-technical pupils which is conducted by a
 2 postsecondary-vocational-technical center or other programs
 3 as designated by the board of public-education regents.
 4 Postsecondary vocational-technical education shall include
 5 the 13th and 14th year and beyond but will not include work
 6 toward a baccalaureate degree.

7 (10) "Postsecondary vocational-technical pupil" means a
 8 person who has completed or left school, is at least 16
 9 years of age, and is available for study in preparation for
 10 entering the labor market, for reentering the labor market,
 11 or for employment stability or advancement in employment.

12 (11) "Principal" means any person who holds a valid
 13 class 3 Montana teacher certificate with an applicable
 14 principal's endorsement that has been issued by the
 15 superintendent of public instruction under the provisions of
 16 this title and the policies adopted by the board of public
 17 education and who has been employed by a district as a
 18 principal. For the purposes of this title, any reference to
 19 a teacher shall be construed as including a principal, as
 20 herein defined.

21 (12) "Pupil" means any child who is 6 years of age or
 22 older but has not yet reached his 21st birthday and who is
 23 enrolled in a school established and maintained under the
 24 laws of the state of Montana at public expense.

25 (13) "Pupil instruction" means the conduct of organized

1 instruction of pupils enrolled in public schools while under
 2 the supervision of a teacher.

3 (14) "Regents" means the board of regents of higher
 4 education.

5 (15) "School food services" means a service of
 6 providing food for the pupils of a district on a nonprofit
 7 basis and shall include any food service financially
 8 assisted through funds or commodities provided by the United
 9 States government.

10 (16) "The state board of education" is the board
 11 composed of the board of public education and the board of
 12 regents as specified in Article X, section 9, subsection (1)
 13 of the 1972 Montana constitution.

14 (17) "State university" means the Montana state
 15 university, located at Bozeman.

16 (18) "Superintendent of public instruction" means that
 17 state government official designated as a member of the
 18 executive branch by the constitution of Montana.

19 (19) "System" means the Montana university system.

20 (20) "Teacher" means any person, except a district
 21 superintendent, who holds a valid Montana teacher
 22 certificate that has been issued by the superintendent of
 23 public instruction under the provisions of this title and
 24 the policies adopted by the board of public education and
 25 who is employed by a district as a member of its

1 instructional, supervisory, or administrative staff. This
2 definition of a teacher shall also include any person for
3 whom an emergency authorization of employment of such person
4 has been issued under the provisions of 20-4-111.

5 (21) "Textbook" means a book or manual used as a
6 principal source of study material for a given class or
7 group of students.

8 (22) "Textbook dealer" means any party, company,
9 corporation, or other organization selling, offering to
10 sell, or offering for adoption textbooks to districts in the
11 state of Montana.

12 (23) "Trustees" means the governing board of a
13 district.

14 (24) "University" means the university of Montana,
15 located at Missoula.

16 (25) "Vocational education" means the instruction to
17 prepare or improve the pupil for gainful employment that
18 does not require a baccalaureate or higher degree. This
19 definition of vocational education shall include guidance
20 and prevocational, related, or technical instruction
21 necessary to prepare the pupil for further vocational
22 education or for entry into employment."

23 Section 11. Section 20-2-121, MCA, is amended to read:

24 "20-2-121. Board of public education -- powers and
25 duties. The board of public education shall:

1 (1) effect an orderly and uniform system for teacher
2 certification and for the issuance of an emergency
3 authorization of employment by adopting the policies
4 prescribed by 20-4-102 and 20-4-111;

5 (2) consider the suspension or revocation of teacher
6 certificates and appeals from the denial of teacher
7 certification in accordance with the provisions of 20-4-110;

8 (3) administer and order the distribution of state
9 equalization aid in accordance with the provisions of
10 20-9-344;

11 (4) adopt and enforce policies to provide uniform
12 standards and regulations for the design, construction, and
13 operation of school buses in accordance with the provisions
14 of 20-10-111;

15 (5) approve or disapprove a reduction of the number of
16 hours in a district's school day in accordance with the
17 provisions of 20-1-302;

18 (6) adopt policies prescribing the conditions when
19 school may be conducted on Saturday and the types of
20 pupil-instruction-related days and approval procedure for
21 such days in accordance with the provisions of 20-1-303 and
22 20-1-304;

23 (7) adopt standards of accreditation and establish the
24 accreditation status of every school in accordance with the
25 provisions of 20-7-101 and 20-7-102;

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1 (8) approve or disapprove educational media selected
2 by the superintendent of public instruction for the
3 educational media library in accordance with the provisions
4 of 20-7-201;

5 (9) as the governing board of the state of Montana for
6 vocational education, adopt the policies prescribed by and
7 in accordance with the provisions of 20-7-301;

8 ~~((10) consider applications for postsecondary
9 vocational technical center designation in accordance with
10 the provisions of 20-7-311;~~

11 ~~((11) for the purposes of postsecondary
12 vocational technical centers, approve or disapprove programs
13 and budgets, direct the distribution of moneys in support of
14 such budgets, determine tuition rates and fees, and enter
15 into lease agreements or real property purchases in
16 accordance with the postsecondary vocational technical
17 center provisions of the vocational education part of this
18 title;~~

19 ~~((2)((10))~~ adopt policies for the conduct of special
20 education in accordance with the provisions of 20-7-402;

21 ~~((3)((11))~~ perform any other duty prescribed from time to
22 time by this title or any other act of the legislature."

23 Section 12. Section 20-3-106, MCA, is amended to read:

24 "20-3-106. Supervision of schools -- powers and
25 duties. The superintendent of public instruction has the

1 general supervision of the public schools and districts of
2 the state, and he shall perform the following duties or acts
3 in implementing and enforcing the provisions of this title:

4 (1) resolve any controversy resulting from the
5 proration of joint costs by a joint board of trustees under
6 the provisions of 20-3-362;

7 (2) issue, renew, or deny teacher certification and
8 emergency authorizations of employment and give notice of
9 teacher certification, suspension, or revocation proceedings
10 to be conducted by the board of public education in
11 accordance with the provisions of the teacher certification
12 part of this title;

13 (3) negotiate reciprocal tuition agreements with other
14 states in accordance with the provisions of 20-5-314;

15 (4) serve on the teachers' retirement board in
16 accordance with the provisions of 2-15-1010;

17 (5) prescribe absentee voting forms and rules in
18 accordance with the provisions of 20-20-104;

19 (6) approve or disapprove the orders of a high school
20 boundary commission in accordance with the provisions of
21 20-6-311;

22 (7) approve or disapprove the opening or reopening of
23 a school in accordance with the provisions of 20-6-502,
24 20-6-503, 20-6-504, or 20-6-505;

25 (8) approve or disapprove school isolation within the

1 limitations prescribed by 20-9-302;

2 (9) generally supervise the school budgeting
3 procedures prescribed by law in accordance with the
4 provisions of 20-9-102 and prescribe the school budget
5 format in accordance with the provisions of 20-9-103 and
6 20-9-505;

7 (10) establish a system of communication for
8 calculating joint district revenues in accordance with the
9 provisions of 20-9-151;

10 (11) approve or disapprove the adoption of a district's
11 emergency budget resolution under the conditions prescribed
12 in 20-9-163 and publish rules for an application for
13 additional state aid for an emergency budget in accordance
14 with the approval and disbursement provisions of 20-9-166;

15 (12) generally supervise the school financial
16 administration provisions as prescribed by 20-9-201(2);

17 (13) prescribe and furnish the annual report forms to
18 enable the districts to report to the county superintendent
19 in accordance with the provisions of 20-9-213(5) and the
20 annual report forms to enable the county superintendents to
21 report to the superintendent of public instruction in
22 accordance with the provisions of 20-3-209;

23 (14) approve, disapprove, or adjust an increase of the
24 average number belonging (ANB) in accordance with the
25 provisions of 20-9-313 and 20-9-314;

1 (15) distribute state equalization aid in support of
2 the foundation program in accordance with the provisions of
3 20-9-342, 20-9-346, and 20-9-347;

4 (16) estimate the statewide equalization level for the
5 foundation program in accordance with the provisions of
6 20-9-348;

7 (17) distribute state impact aid in accordance with the
8 provisions of 20-9-304;

9 (18) provide for the uniform and equal provision of
10 transportation by performing the duties prescribed by the
11 provisions of 20-10-112;

12 (19) approve or disapprove an adult education program
13 for which a district proposes to levy a tax in accordance
14 with the provisions of 20-7-705;

15 (20) request, accept, deposit, and expend federal
16 moneys in accordance with the provisions of 20-9-603;

17 (21) authorize the use of federal moneys for the
18 support of an interlocal cooperative agreement in accordance
19 with the provisions of 20-9-703 and 20-9-704;

20 (22) prescribe the form and contents of and approve or
21 disapprove interstate contracts in accordance with the
22 provisions of 20-9-705;

23 (23) approve or disapprove the conduct of school on a
24 Saturday or on pupil-instruction-related days in accordance
25 with the provisions of 20-1-303 and 20-1-304;

1 (24) recommend standards of accreditation for all
2 schools to the board of public education and evaluate
3 compliance with such standards and recommend accreditation
4 status of every school to the board of public education in
5 accordance with the provisions of 20-7-101 and 20-7-102;

6 (25) collect and maintain a file of curriculum guides
7 and assist schools with instructional programs in accordance
8 with the provisions of 20-7-113 and 20-7-114;

9 (26) establish and maintain a library of visual, aural,
10 and other educational media in accordance with the
11 provisions of 20-7-201;

12 (27) license textbook dealers and initiate prosecution
13 of textbook dealers violating the law in accordance with the
14 provisions of the textbooks part of this title;

15 (28) administer and perform the duties as the executive
16 officer of the board of public education for vocational
17 education in accordance with the provisions of 20-7-302;

18 ~~{29} consider applications for the designation of a~~
19 ~~postsecondary vocational-technical center in accordance with~~
20 ~~the provisions of 20-7-311;~~

21 ~~{30} establish a fund for the handling of postsecondary~~
22 ~~vocational-technical center fees in accordance with the~~
23 ~~provisions of 20-7-333;~~

24 {31}{29} supervise and coordinate the conduct of
25 special education in the state in accordance with the

1 provisions of 20-7-403;

2 ~~{32}{30}~~ administer the traffic education program in
3 accordance with the provisions of 20-7-502;

4 ~~{33}{31}~~ administer the school food services program in
5 accordance with the provisions of 20-10-201, 20-10-202, and
6 20-10-203;

7 ~~{34}{32}~~ review school building plans and
8 specifications in accordance with the provisions of
9 20-6-622;

10 ~~{35}{33}~~ prescribe the method of identification and
11 signals to be used by school safety patrols in accordance
12 with the provisions of 20-1-408; and

13 ~~{36}{34}~~ perform any other duty prescribed from time to
14 time by this title, any other act of the legislature, or the
15 policies of the board of public education."

16 Section 13. Section 20-3-324, MCA, is amended to read:
17 "20-3-324. Powers and duties. As prescribed elsewhere
18 in this title, the trustees of each district shall have the
19 power and it shall be their duty to perform the following
20 duties or acts:

21 (1) employ or dismiss a teacher, principal, or other
22 assistant upon the recommendation of the district
23 superintendent, the county high school principal, or other
24 principal as the board may deem necessary, accepting or
25 rejecting such recommendation as the trustees shall in "

1 sole discretion determine, in accordance with the provisions
2 of the school personnel part of this title;

3 (2) employ and dismiss administrative personnel,
4 clerks, secretaries, teacher aides, custodians, maintenance
5 personnel, school bus drivers, food service personnel,
6 nurses, and any other personnel deemed necessary to carry
7 out the various services of the district;

8 (3) administer the attendance and tuition provisions
9 and otherwise govern the pupils of the district in
10 accordance with the provisions of the pupils chapter of this
11 title;

12 (4) call, conduct, and certify the elections of the
13 district in accordance with the provisions of the school
14 elections chapter of this title;

15 (5) participate in the teachers' retirement system of
16 the state of Montana in accordance with the provisions of
17 the teachers' retirement system chapter of Title 19;

18 (6) participate in district boundary change actions in
19 accordance with the provisions of the districts chapter of
20 this title;

21 (7) organize, open, close, or acquire isolation status
22 for the schools of the district in accordance with the
23 provisions of the school organization part of this title;

(8) adopt and administer the annual budget or an
emergency budget of the district in accordance with the

1 provisions of the school budget system part of this title;

2 (9) conduct the fiscal business of the district in
3 accordance with the provisions of the school financial
4 administration part of this title;

5 (10) establish the ANB, foundation program, permissive
6 levy, additional levy, cash reserve, and state impact aid
7 amount for the general fund of the district in accordance
8 with the provisions of the general fund part of this title;

9 (11) establish, maintain, budget, and finance the
10 transportation program of the district in accordance with
11 the provisions of the transportation parts of this title;

12 (12) issue, refund, sell, budget, and redeem the bonds
13 of the district in accordance with the provisions of the
14 bonds parts of this title;

15 (13) when applicable, establish, financially
16 administer, and budget for the tuition fund, retirement
17 fund, building reserve fund, adult education fund,
18 ~~postsecondary-vocational-technical-center-fund~~, nonoperating
19 fund, school food services fund, miscellaneous federal
20 programs fund, building fund, housing and dormitory fund,
21 traffic education fund, and interlocal cooperative agreement
22 fund in accordance with the provisions of the other school
23 funds parts of this title;

24 (14) when applicable, administer any interlocal
25 cooperative agreement, gifts, legacies, or devises in

1 accordance with the provisions of the miscellaneous
2 financial parts of this title;

3 (15) hold in trust, acquire, and dispose of the real
4 and personal property of the district in accordance with the
5 provisions of the school sites and facilities part of this
6 title;

7 (16) operate the schools of the district in accordance
8 with the provisions of the school calendar part of this
9 title;

10 (17) establish and maintain the instructional services
11 of the schools of the district in accordance with the
12 provisions of the instructional services, textbooks,
13 vocational education, and special education parts of this
14 title;

15 (18) establish and maintain the school food services of
16 the district in accordance with the provisions of the school
17 food services parts of this title;

18 (19) make such reports from time to time as the county
19 superintendent, superintendent of public instruction, and
20 board of public education may require;

21 (20) retain, when deemed advisable, a physician or
22 registered nurse to inspect the sanitary conditions of the
23 school or the general health conditions of each pupil and,
24 upon request, make available to any parent or guardian any
25 medical reports or health records maintained by the district

1 pertaining to his child;

2 (21) for each member of the trustees, visit each school
3 of the district not less than once each school fiscal year
4 to examine its management, conditions, and needs;

5 (22) procure and display outside daily in suitable
6 weather at each school of the district an American flag
7 which shall be not less than 4 feet by 6 feet; and

8 (23) perform any other duty and enforce any other
9 requirements for the government of the schools prescribed by
10 this title, the policies of the board of public education,
11 or the rules of the superintendent of public instruction."

12 Section 14. Section 20-6-501, MCA, is amended to read:
13 "20-6-501. Definition of various schools. As used in
14 this title, unless the context clearly indicates otherwise,
15 the term "school" means an institution for the teaching of
16 children that is established and maintained under the laws
17 of the state of Montana at public expense. The trustees of
18 any district shall designate the grade assignments for the
19 schools of the district, but for the purposes of this title
20 each school shall be known as:

21 (1) an elementary school when it comprises the work of
22 any combination of kindergarten, other preschool programs,
23 or the first eight grades or their equivalents. A middle
24 school is a school comprising the work of grades 4 through 8
25 or any combination thereof that has been accredited as a

1 middle school under the provisions of 20-7-102. When an
2 accredited junior high school or an accredited 6-year high
3 school is operated by the district, grades 7 and 8 or their
4 equivalents shall not be considered as elementary grades.

5 (2) a high school when it comprises the work of one or
6 more grades of schoolwork or their equivalents intermediate
7 between the elementary schools and the institutions of
8 higher education of the state of Montana. Types of high
9 schools shall be designated as follows:

10 (a) a junior high school is a school comprising the
11 work of grades 7 through 9 or their equivalents that has
12 been accredited as a junior high school under the provisions
13 of 20-7-102;

14 (b) a senior high school is a school which comprises
15 the work of grades 10 through 12 or their equivalents and
16 which is operated in conjunction with a junior high school;

17 (c) a 6-year high school is a school comprising the
18 work of grades 7 through 12 or their equivalents that has
19 been accredited as a 6-year high school under the provisions
20 of 20-7-102;

21 (d) a 4-year high school is a school comprising the
22 work of grades 9 through 12 or their equivalents;

23 (e) a county high school is a 4-year high school
24 operated as an agency of county government and established
25 under the provisions of the acts of March 3, 1899, March 14,

1 1901, and any subsequent amendments thereto.

2 ~~(f) a postsecondary vocational technical center~~
3 ~~established under the provisions of 20-7-311.~~

4 Section 15. Section 20-7-302, MCA, is amended to read:
5 "20-7-302. Duties of superintendent of public
6 instruction as executive officer of elementary and secondary
7 vocational education. The superintendent of public
8 instruction ~~shall be~~ is the executive officer of the board
9 of public education for the administration of all state and
10 federal laws related to elementary and secondary vocational
11 education. As the executive officer, the superintendent of
12 public instruction ~~shall~~ has the following duties relating
13 to elementary and secondary vocational education:

14 (1) administer the ~~vocational education~~ policies
15 adopted by the board of public education;

16 (2) prepare curriculum guides for board of public
17 education adoption;

18 (3) employ, with the confirmation of the board of
19 public education, the professional staff necessary for the
20 state supervision and administration of elementary and
21 secondary vocational education;

22 (4) report the status of elementary and secondary
23 vocational education in the state of Montana when requested
24 by the board of public education;

25 (5) ~~keep all vocational education~~ maintain records in

1 his office; and

2 (6) provide vocational education supervisory and
3 consultative assistance to districts."

4 Section 16. Section 20-7-303, MCA, is amended to read:

5 "20-7-303. District authorization to establish and
6 maintain vocational education courses and programs. (1) The
7 trustees of any a district, community college district, or
8 unit of the Montana university system may establish and
9 maintain a vocational education course or program that
10 complies with the vocational education standards policies
11 adopted by the board of public education of regents.

12 ~~(2) The trustees of a high school or elementary school~~
13 ~~district may establish and maintain a vocational education~~
14 ~~course or program that complies with the vocational~~
15 ~~education policies adopted by the board of public education.~~

16 (3) In order for a course or program to be eligible
17 for state or federal financing, it shall be approved by the
18 board of public education."

19 Section 17. Section 20-7-311, MCA, is amended to read:

20 "20-7-311. ~~Postsecondary vocational technical center~~
21 ~~center~~ designation. (1) ~~Postsecondary vocational technical~~
22 ~~centers centers~~ shall be designated by the board of public
23 ~~education only upon direction of the legislature law.~~
24 ~~Applications for designation must be made in accordance with~~
25 ~~the following procedures~~

1 ~~(a) The trustees of any high school district, of a~~
2 ~~county high school, of a community college district, or the~~
3 ~~governing board of any unit of the Montana university system~~
4 ~~may submit an application for designation of a postsecondary~~
5 ~~vocational technical center to be operated by such trustees~~
6 ~~or governing boards. The application for designation shall be~~
7 ~~submitted in accordance with the time, date, and form~~
8 ~~requirements prescribed by the board of public education.~~
9 ~~Applicant high school districts, county high schools, or~~
10 ~~community college districts shall be located in a county~~
11 ~~with a taxable valuation of at least \$45 million.~~

12 ~~(b) Applications are to be presented to the~~
13 ~~superintendent of public instruction acting in his capacity~~
14 ~~as the executive officer for vocational education of the~~
15 ~~board of public education. The superintendent of public~~
16 ~~instruction shall review the application and present it to~~
17 ~~the board of public education along with his~~
18 ~~recommendations. The board of public education shall then~~
19 ~~examine the application and recommendations of the~~
20 ~~superintendent of public instruction and either adopt the~~
21 ~~recommendations of the superintendent of public instruction~~
22 ~~or draft its own recommendations. The application, together~~
23 ~~with all recommendations, shall be presented by the board of~~
24 ~~public education to the next following legislature.~~

25 (2) The board of public education regents shall

1 recognize the presently designated postsecondary
 2 vocational-technical centers operated by the respective
 3 board of trustees of located in school district number 1 of
 4 Silver Bow County, high school district number 1 of Lewis
 5 and Clark County, high school district "A" of Cascade
 6 County, Missoula County high school, and high school
 7 district number 2 of Yellowstone County."

8 Section 18. Section 20-7-314, MCA, is amended to read:

9 "20-7-314. Lease or purchase of state property for
 10 postsecondary vocational-technical center purposes. (1) The
 11 state of Montana, acting by and through the board of public
 12 education regents with ratification by the legislature, ~~is~~
 13 hereby empowered and authorized to may enter into a lease
 14 agreement for a term not to exceed 40 years ~~in order to~~
 15 lease ~~to a district operating a postsecondary~~
 16 ~~vocational-technical center any building or lands owned by~~
 17 ~~the state and financed in whole or in part by an~~
 18 ~~appropriation made by the legislature of the state of~~
 19 ~~Montana for the purpose of supporting the district's~~
 20 ~~postsecondary vocational-technical center. The consideration~~
 21 ~~necessary to support such a lease may be nominal~~ local
 22 school district buildings and lands which were financed in
 23 whole or in part by funds made available for the purpose of
 24 supporting a postsecondary vocational-technical center.

25 (2) ~~The board of public education is hereby authorized~~

1 ~~to transfer or direct transfer of title held by the state of~~
 2 ~~Montana in buildings or lands financed in whole or in part~~
 3 ~~by an appropriation by the state legislature to a district~~
 4 ~~operating a postsecondary vocational-technical center at~~
 5 ~~any time the board of public education deems such transfer~~
 6 ~~to be in the best interests of both the state and the~~
 7 ~~district involved, provided that this authorization extends~~
 8 ~~only to buildings or lands which are to be used by the~~
 9 ~~district for postsecondary vocational-technical education~~
 10 ~~purposes. Right of renewal of the lease shall be guaranteed~~
 11 ~~if the buildings and lands are utilized for the purposes of~~
 12 ~~state postsecondary vocational education.~~"

13 Section 19. Section 20-7-322, MCA, is amended to read:

14 "20-7-322. State treasurer custodian of vocational
 15 education moneys ~~money.~~ (1) The ~~state~~ treasurer of the
 16 ~~state of Montana~~ is hereby designated as the custodian of
 17 all federal and state moneys ~~money~~ designated, appropriated,
 18 or apportioned for vocational education. ~~All moneys received~~
 19 ~~from any federal or state source for the establishment~~
 20 ~~operation or furtherance of vocational education in the~~
 21 ~~state shall be deposited with the state treasurer.~~

22 (2) At the direction of the board of public education
 23 regents, he ~~the state treasurer~~ shall disburse all moneys
 24 ~~money~~ appropriated or received for postsecondary vocational
 25 education.

1 (3) At the direction of the superintendent of public
 2 instruction, the state treasurer shall disburse all money
 3 appropriated for elementary and secondary vocational
 4 education."

5 Section 20. Section 20-7-324, MCA, is amended to read:

6 "20-7-324. Sources of financing for postsecondary
 7 vocational-technical center budgets -- board of public
 8 education administration center budgets -- limitations --
 9 revenue sources. (i) The total of the budgets approved by
 10 the board of public education together with the budget for
 11 the cost of state administration of the postsecondary
 12 vocational-technical centers shall constitute the total
 13 maximum approved statewide budget which shall be financed as
 14 follows: center budgets and state administrative costs may
 15 not exceed amounts appropriated by the legislature and
 16 approved by the board of regents. Center budgets may be
 17 financed with the following revenue sources:

18 (a) The primary source of financing is to be those
 19 funds specifically designated by legislative enactment or
 20 referendum by the people for financing postsecondary
 21 vocational-technical education in Montana.

22 (b) The board of county commissioners of each county
 23 in which a designated postsecondary vocational-technical
 24 center is located is hereby authorized to levy

25 (1) a tax of not to exceed 1 mill on the dollar of all

1 taxable property, real and personal, within the a county for
 2 the support and maintenance of the postsecondary
 3 vocational-technical center located within the county which
 4 must be levied by the board of county commissioners of each
 5 county in which a designated center is located.

6 (c) Designated postsecondary vocational-technical
 7 centers shall be eligible to receive such funds from the
 8 federal government as the board of public education may
 9 provide pursuant to applicable acts of congress.

10 (d) The board of trustees of any designated high
 11 school district or county high school district where a
 12 postsecondary vocational-technical center is located may be
 13 required as a condition for the construction in that
 14 district of a postsecondary vocational-technical center or
 15 any part thereof to furnish up to 50% of the amount of
 16 funds required for any such construction. The percentage of
 17 construction funds to be furnished by the designated
 18 district shall be derived in whole or in part from any of
 19 the following sources:

20 (i) the sale of bonds issued by that district (such
 21 bonds shall be issued in conformity with the requirements of
 22 chapter 9, part 4, of this title in the case of high school
 23 and county high school district);

24 (ii) any other funds available to that district which
 25 may be legally and properly applied toward such

1 construction

2 ~~{iii} the reasonable value of lands, buildings,~~
3 ~~fixtures or equipment furnished by that district, subject~~
4 ~~to the approval of the board of public education.~~

5 ~~{e} if the aggregate financing provided by sources of~~
6 ~~revenue in {1}(a), {1}(b), and {1}(c) of this section does~~
7 ~~not provide 100% financing of the maximum approved statewide~~
8 ~~budget, the remaining deficiency shall be financed from any~~
9 ~~state funds appropriated by the legislature for~~
10 ~~postsecondary vocational technical education.~~

11 ~~{2} The board of public education shall direct the~~
12 ~~distribution of the funds specified in subsections {1}(a),~~
13 ~~{1}(c), and {1}(e) of this section on the basis of the~~
14 ~~budgets approved by the board of public education. The funds~~
15 ~~earned by the mill levy specified in subsection {1}(b) of~~
16 ~~this section shall be credited by the county treasurer to~~
17 ~~the postsecondary vocational technical center funds.~~

18 ~~{3} The board of public education shall determine the~~
19 ~~amount of financing available from these five sources of~~
20 ~~revenue and may approve budgets for maintenance and~~
21 ~~operation, construction, and ancillary services. The~~
22 ~~aggregate amount of the budgets so approved by the board of~~
23 ~~public education for postsecondary vocational technical~~
24 ~~centers shall not exceed the moneys determined to be~~
25 ~~available.~~

1 {2} federal funds available for use by centers;

2 {3} fees authorized by the board of regents;

3 {4} any other funds appropriated by the legislature."

4 Section 21. Section 20-7-331, MCA, is amended to read:

5 "20-7-331. Admission of pupils with priority to
6 Montana residents. Any person who qualifies as a
7 postsecondary vocational technical pupil as defined in this
8 title shall be admitted to the postsecondary
9 vocational technical center of his choice, except that
10 pupils who qualify as residents Residents of the state of
11 Montana as hereafter defined by the board shall be given
12 priority in case enrollment limitations are caused by
13 resource limitation."

14 Section 22. Section 20-7-702, MCA, is amended to read:

15 "20-7-702. Authorization to establish adult education
16 program. The trustees of any district, or community college
17 district, or center may establish and operate an adult
18 education program at any time of the day when facilities and
19 personnel are available. An adult education program may
20 provide both basic and secondary general education,
21 vocational education, American citizenship education,
22 including courses in the English language and American
23 history and government, or any other areas of instruction
24 approved by the trustees."

25 Section 23. Section 20-7-704, MCA, is amended to read:

1 "20-7-704. Adult education tuition and fees. The
 2 trustees of a district, ~~or community college district, or~~
 3 ~~in the case of a center, the board of regents~~ shall have the
 4 authority to charge tuition for instruction and to charge
 5 fees for the use of equipment and materials. The amount of
 6 such tuition and fees shall be determined on a per-course
 7 basis or on the basis of the cost of the entire adult
 8 education program. All proceeds from tuition and fees shall
 9 be deposited in the adult education fund."

10 Section 24. Section 20-7-705, MCA, is amended to read:

11 "20-7-705. Adult education fund. (1) A separate adult
 12 education fund shall be established when an adult education
 13 program is operated by a district, ~~or a community college~~
 14 ~~district, or a center~~. The financial administration of such
 15 fund shall comply with the budgeting, financing, and
 16 expenditure provisions of the laws governing the schools.

17 (2) Whenever the trustees of any district ~~or center~~
 18 establish an adult education program under the provisions of
 19 20-7-702, they shall establish an adult education fund under
 20 the provisions of this section. The adult education fund
 21 shall be the depository for all federal, state, and district
 22 moneys received by the district ~~or center~~ in support of the
 23 adult education program.

24 (3) The trustees of any district may authorize the
 25 levy of a tax of not more than 1 mill on the district for

1 the operation of an adult education program when the
 2 superintendent of public instruction has approved the
 3 educational program to be supported by such levy. The
 4 approval of the superintendent of public instruction shall
 5 have been acquired by the trustees before the fourth Monday
 6 of June in order to include the expenditures to be financed
 7 by the levy in the preliminary budget. The superintendent of
 8 public instruction shall promulgate rules and forms for such
 9 approval.

10 (4) Whenever the trustees of any district ~~or center~~
 11 decide to offer an adult education program during the
 12 ensuing school fiscal year, they shall budget for the cost
 13 of such program in the adult education fund of the
 14 preliminary budget. Any expenditures in support of the adult
 15 education program under the final adult education budget
 16 shall be made in accordance with the financial
 17 administration provisions of this title for a budgeted fund.

18 (5) When a tax levy for an adult education program
 19 which has been approved by the superintendent of public
 20 instruction is included as a revenue item on the final adult
 21 education budget, the county superintendent shall report
 22 such levy requirement to the county commissioners on the
 23 second Monday of August and a levy on the district shall be
 24 made by the county commissioners in accordance with
 25 20-9-142."

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1 Section 25. Repealer. Sections 20-7-312, 20-7-313,
2 20-7-323, 20-7-325, 20-7-332, and 20-7-333, MCA, are
3 repealed.

-End-

SB 166

1 *Sen. Fischer* BILL NO. *166*
 2 INTRODUCED BY *Fischer, Blaylock*
 3 BY REQUEST OF THE INTERIM SUBCOMMITTEE ON EDUCATION
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR A STATE
 6 VOCATIONAL-TECHNICAL SYSTEM; AMENDING SECTIONS 20-1-101,
 7 20-2-121, 20-3-106, 20-3-324, 20-6-501, 20-7-302, 20-7-303,
 8 20-7-311, 20-7-314, 20-7-322, 20-7-324, 20-7-331, 20-7-702,
 9 20-7-704, AND 20-7-705, MCA; AND REPEALING SECTIONS
 10 20-7-312, 20-7-313, 20-7-323, 20-7-325, 20-7-332, AND
 11 20-7-333, MCA."
 12

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

14 NEW SECTION. Section 1. Definitions. As used in
 15 [sections 1 through 9], unless the context clearly indicates
 16 otherwise, the following definitions apply:

- 17 (1) "Board" means the board of regents.
 18 (2) "Commissioner" means the commissioner of higher
 19 education.
 20 (3) "Director" means the administrative director of a
 21 center.
 22 (4) "State postsecondary vocational-technical system"
 23 means the system of state-designated centers organized under
 24 the board to meet the state's needs for vocational-technical
 25 education for high school graduates and other persons who

- 1 have terminated their formal high school education.
 2 NEW SECTION. Section 2. Powers and duties of the
 3 board. The board shall:
 4 (1) supervise and administer centers;
 5 (2) establish student fee charges prior to September 1
 6 immediately preceding the biennium;
 7 (3) establish uniform policies as to budgeting,
 8 recordkeeping, and student accounting;
 9 (4) establish minimum entrance requirements and
 10 approve curricular offerings for all centers;
 11 (5) establish minimum qualifications of directors,
 12 faculty, and staff;
 13 (6) establish employment policies;
 14 (7) approve salaries and wage contracts of all center
 15 employees;
 16 (8) approve center programs and budgets;
 17 (9) establish policies for the orderly development of
 18 a state postsecondary vocational-technical system. Such
 19 policies shall include:
 20 (a) criteria for approval of courses and programs
 21 which are to receive financial assistance;
 22 (b) a system of evaluation of all state postsecondary
 23 vocational-technical system programs administered by the
 24 board. Evaluation shall occur at least once every 3 years
 25 and consider current and projected manpower needs and job

1 opportunities; and

2 (c) any other policy, not inconsistent with the law,
3 that is necessary for the proper operation of the state
4 postsecondary vocational-technical system.

5 (10) receive from any governmental or private entity or
6 person all money and other property a center may be entitled
7 to receive or accept and use the property for the specific
8 purpose of the entitlement, grant, or donation;

9 (11) maintain accountability of all materials and
10 equipment; and

11 (12) grant certificates and degrees to the graduates of
12 a center.

13 NEW SECTION. Section 3. Duties of the commissioner.
14 The commissioner shall, under board policy:

15 (1) be the chief administrative officer for the board
16 for the administration of its state postsecondary
17 vocational-technical system policies;

18 (2) employ, within the limits of any legislative
19 appropriation and with the confirmation of the board, the
20 staff necessary for the state supervision and administration
21 of the board's postsecondary vocational-technical education
22 policies;

23 (3) provide supervisory and consultative assistance to
24 centers.

25 NEW SECTION. Section 4. Appointment and powers and

1 duties of directors. (1) A director for each center shall be
2 appointed by the board. He serves at the pleasure of the
3 board.

4 (2) Consistent with board policies, the director of a
5 center:

6 (a) has general control and supervision of the center;

7 (b) shall adopt rules, not inconsistent with the
8 constitution, the laws of the state, and the policies of the
9 board, for the administration of the center;

10 (c) shall recommend to the board the appointment and
11 dismissal of and compensation and employment terms for
12 instructors and other staff.

13 NEW SECTION. Section 5. Local advisory boards. The
14 board of trustees of the school district in which each
15 center is located shall act in an advisory capacity to the
16 center and the board in matters concerning postsecondary
17 vocational-technical education.

18 NEW SECTION. Section 6. Conflict of interest -- extra
19 compensation. It is unlawful for any center director or
20 employee to:

21 (1) have any pecuniary interest, either directly or
22 indirectly, in the erection of any building of the center in
23 which he is employed or furnishing or repairing it;

24 (2) be in any manner connected with the furnishing of
25 supplies for the maintenance of the center; or

1 (3) receive or accept any compensation or reward for
2 services rendered, except as provided in [section 2].

3 NEW SECTION. Section 7. Teachers' retirement system.
4 Teachers employed by a center are subject to and eligible
5 for the benefits of the teachers' retirement system provided
6 by law.

7 NEW SECTION. Section 8. Baccalaureate degrees not to
8 be granted. A center may not grant baccalaureate degrees.

9 NEW SECTION. Section 9. Use of name restricted. Only
10 those centers designated by law may use the title "state
11 postsecondary vocational-technical center". All other
12 public or private schools are prohibited from using that
13 title.

14 Section 10. Section 20-1-101, MCA, is amended to read:
15 "20-1-101. Definitions. As used in this title, unless
16 the context clearly indicates otherwise, the following
17 definitions apply:

18 (1) "Agricultural experiment station" means the
19 agricultural experiment station established at Montana state
20 university.

21 (2) "Average number belonging" or "ANB" shall mean the
22 average number of regularly enrolled, full-time pupils
23 attending the public schools of a district.

24 (3) "The board of public education" is the board
25 created by Article X, section 9, subsection (3)₁ of the

1 1972 Montana constitution and 2-15-1507.

2 (4) "Board of regents" means the board of regents of
3 higher education created by Article X, section 9, subsection
4 (2)₁ of the 1972 Montana constitution and 2-15-1505.

5 (5) "Commissioner" means the commissioner of higher
6 education created by Article X, section 9, subsection (2)₁
7 of the 1972 Montana constitution and 2-15-1506.

8 (6) "County superintendent" means the county
9 government official who is the school officer of the county.

10 (7) "District superintendent" means any person who
11 holds a valid class 3 Montana teacher certificate with a
12 superintendent's endorsement that has been issued by the
13 superintendent of public instruction under the provisions of
14 this title and the policies adopted by the board of public
15 education and who has been employed by a district as a
16 district superintendent.

17 (8) ~~"Postsecondary-vocational-technical-center center"~~
18 means a state school used principally for the provision of
19 postsecondary vocational-technical education to persons who
20 qualify as postsecondary vocational-technical pupils. These
21 centers are designated by ~~the board of public education upon~~
22 ~~direction by the legislature law. All other public or~~
23 ~~private schools are hereby prohibited from using this title.~~

24 (9) "Postsecondary vocational-technical education"
25 means vocational-technical education of postsecondary

1 vocational-technical pupils which is conducted by a
 2 ~~postsecondary-vocational-technical~~ center or other programs
 3 as designated by the board of public-education regents.
 4 Postsecondary vocational-technical education shall include
 5 the 13th and 14th year and beyond but will not include work
 6 toward a baccalaureate degree.

7 (10) "Postsecondary vocational-technical pupil" means a
 8 person who has completed or left school, is at least 16
 9 years of age, and is available for study in preparation for
 10 entering the labor market, for reentering the labor market,
 11 or for employment stability or advancement in employment.

12 (11) "Principal" means any person who holds a valid
 13 class 3 Montana teacher certificate with an applicable
 14 principal's endorsement that has been issued by the
 15 superintendent of public instruction under the provisions of
 16 this title and the policies adopted by the board of public
 17 education and who has been employed by a district as a
 18 principal. For the purposes of this title, any reference to
 19 a teacher shall be construed as including a principal, as
 20 herein defined.

21 (12) "Pupil" means any child who is 6 years of age or
 22 older but has not yet reached his 21st birthday and who is
 23 enrolled in a school established and maintained under the
 24 laws of the state of Montana at public expense.

25 (13) "Pupil instruction" means the conduct of organized

1 instruction of pupils enrolled in public schools while under
 2 the supervision of a teacher.

3 (14) "Regents" means the board of regents of higher
 4 education.

5 (15) "School food services" means a service of
 6 providing food for the pupils of a district on a nonprofit
 7 basis and shall include any food service financially
 8 assisted through funds or commodities provided by the United
 9 States government.

10 (16) "The state board of education" is the board
 11 composed of the board of public education and the board of
 12 regents as specified in Article X, section 9, subsection (1)
 13 of the 1972 Montana constitution.

14 (17) "State university" means the Montana state
 15 university, located at Bozeman.

16 (18) "Superintendent of public instruction" means that
 17 state government official designated as a member of the
 18 executive branch by the constitution of Montana.

19 (19) "System" means the Montana university system.

20 (20) "Teacher" means any person, except a district
 21 superintendent, who holds a valid Montana teacher
 22 certificate that has been issued by the superintendent of
 23 public instruction under the provisions of this title and
 24 the policies adopted by the board of public education and
 25 who is employed by a district as a member of it.

1 instructional, supervisory, or administrative staff. This
 2 definition of a teacher shall also include any person for
 3 whom an emergency authorization of employment of such person
 4 has been issued under the provisions of 20-4-111.

5 (21) "Textbook" means a book or manual used as a
 6 principal source of study material for a given class or
 7 group of students.

8 (22) "Textbook dealer" means any party, company,
 9 corporation, or other organization selling, offering to
 10 sell, or offering for adoption textbooks to districts in the
 11 state of Montana.

12 (23) "Trustees" means the governing board of a
 13 district.

14 (24) "University" means the university of Montana,
 15 located at Missoula.

16 (25) "Vocational education" means the instruction to
 17 prepare or improve the pupil for gainful employment that
 18 does not require a baccalaureate or higher degree. This
 19 definition of vocational education shall include guidance
 20 and prevocational, related, or technical instruction
 21 necessary to prepare the pupil for further vocational
 22 education or for entry into employment."

23 Section 11. Section 20-2-121, MCA, is amended to read:

24 "20-2-121. Board of public education -- powers and
 25 duties. The board of public education shall:

1 (1) effect an orderly and uniform system for teacher
 2 certification and for the issuance of an emergency
 3 authorization of employment by adopting the policies
 4 prescribed by 20-4-102 and 20-4-111;

5 (2) consider the suspension or revocation of teacher
 6 certificates and appeals from the denial of teacher
 7 certification in accordance with the provisions of 20-4-110;

8 (3) administer and order the distribution of state
 9 equalization aid in accordance with the provisions of
 10 20-9-344;

11 (4) adopt and enforce policies to provide uniform
 12 standards and regulations for the design, construction, and
 13 operation of school buses in accordance with the provisions
 14 of 20-10-111;

15 (5) approve or disapprove a reduction of the number of
 16 hours in a district's school day in accordance with the
 17 provisions of 20-1-302;

18 (6) adopt policies prescribing the conditions when
 19 school may be conducted on Saturday and the types of
 20 pupil-instruction-related days and approval procedure for
 21 such days in accordance with the provisions of 20-1-303 and
 22 20-1-304;

23 (7) adopt standards of accreditation and establish the
 24 accreditation status of every school in accordance with the
 25 provisions of 20-7-101 and 20-7-102;

1 (8) approve or disapprove educational media selected
2 by the superintendent of public instruction for the
3 educational media library in accordance with the provisions
4 of 20-7-201;

5 (9) as the governing board of the state of Montana for
6 vocational education, adopt the policies prescribed by and
7 in accordance with the provisions of 20-7-301;

8 ~~{10} consider applications for postsecondary~~
9 ~~vocational-technical-center designation in accordance with~~
10 ~~the provisions of 20-7-311;~~

11 ~~{11} for the purposes of postsecondary~~
12 ~~vocational-technical centers, approve or disapprove programs~~
13 ~~and budgets, direct the distribution of moneys in support of~~
14 ~~such budgets, determine tuition rates and fees, and enter~~
15 ~~into lease agreements or real property purchases in~~
16 ~~accordance with the postsecondary vocational-technical~~
17 ~~center provisions of the vocational education part of this~~
18 ~~title;~~

19 ~~{12}{10}~~ adopt policies for the conduct of special
20 education in accordance with the provisions of 20-7-402;

21 ~~{13}{11}~~ perform any other duty prescribed from time to
22 time by this title or any other act of the legislature.*

23 Section 12. Section 20-3-106, MCA, is amended to read:

24 *20-3-106. Supervision of schools — powers and
25 duties. The superintendent of public instruction has the

1 general supervision of the public schools and districts of
2 the state, and he shall perform the following duties or acts
3 in implementing and enforcing the provisions of this title:

4 (1) resolve any controversy resulting from the
5 proration of joint costs by a joint board of trustees under
6 the provisions of 20-3-362;

7 (2) issue, renew, or deny teacher certification and
8 emergency authorizations of employment and give notice of
9 teacher certification, suspension, or revocation proceedings
10 to be conducted by the board of public education in
11 accordance with the provisions of the teacher certification
12 part of this title;

13 (3) negotiate reciprocal tuition agreements with other
14 states in accordance with the provisions of 20-5-314;

15 (4) serve on the teachers' retirement board in
16 accordance with the provisions of 2-15-1010;

17 (5) prescribe absentee voting forms and rules in
18 accordance with the provisions of 20-20-104;

19 (6) approve or disapprove the orders of a high school
20 boundary commission in accordance with the provisions of
21 20-6-311;

22 (7) approve or disapprove the opening or reopening of
23 a school in accordance with the provisions of 20-6-502,
24 20-6-503, 20-6-504, or 20-6-505;

25 (8) approve or disapprove school isolation within the

1 limitations prescribed by 20-9-302;

2 (9) generally supervise the school budgeting
3 procedures prescribed by law in accordance with the
4 provisions of 20-9-102 and prescribe the school budget
5 format in accordance with the provisions of 20-9-103 and
6 20-9-505;

7 (10) establish a system of communication for
8 calculating joint district revenues in accordance with the
9 provisions of 20-9-151;

10 (11) approve or disapprove the adoption of a district's
11 emergency budget resolution under the conditions prescribed
12 in 20-9-163 and publish rules for an application for
13 additional state aid for an emergency budget in accordance
14 with the approval and disbursement provisions of 20-9-166;

15 (12) generally supervise the school financial
16 administration provisions as prescribed by 20-9-201(2);

17 (13) prescribe and furnish the annual report forms to
18 enable the districts to report to the county superintendent
19 in accordance with the provisions of 20-9-213(5) and the
20 annual report forms to enable the county superintendents to
21 report to the superintendent of public instruction in
22 accordance with the provisions of 20-3-209;

23 (14) approve, disapprove, or adjust an increase of the
24 average number belonging (ANB) in accordance with the
25 provisions of 20-9-313 and 20-9-314;

1 (15) distribute state equalization aid in support of
2 the foundation program in accordance with the provisions of
3 20-9-342, 20-9-346, and 20-9-347;

4 (16) estimate the statewide equalization level for the
5 foundation program in accordance with the provisions of
6 20-9-348;

7 (17) distribute state impact aid in accordance with the
8 provisions of 20-9-304;

9 (18) provide for the uniform and equal provision of
10 transportation by performing the duties prescribed by the
11 provisions of 20-10-112;

12 (19) approve or disapprove an adult education program
13 for which a district proposes to levy a tax in accordance
14 with the provisions of 20-7-705;

15 (20) request, accept, deposit, and expend federal
16 moneys in accordance with the provisions of 20-9-603;

17 (21) authorize the use of federal moneys for the
18 support of an interlocal cooperative agreement in accordance
19 with the provisions of 20-9-703 and 20-9-704;

20 (22) prescribe the form and contents of and approve or
21 disapprove interstate contracts in accordance with the
22 provisions of 20-9-705;

23 (23) approve or disapprove the conduct of school on a
24 Saturday or on pupil-instruction-related days in accordance
25 with the provisions of 20-1-303 and 20-1-304;

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1 (24) recommend standards of accreditation for all
2 schools to the board of public education and evaluate
3 compliance with such standards and recommend accreditation
4 status of every school to the board of public education in
5 accordance with the provisions of 20-7-101 and 20-7-102;

6 (25) collect and maintain a file of curriculum guides
7 and assist schools with instructional programs in accordance
8 with the provisions of 20-7-113 and 20-7-114;

9 (26) establish and maintain a library of visual, aural,
10 and other educational media in accordance with the
11 provisions of 20-7-201;

12 (27) license textbook dealers and initiate prosecution
13 of textbook dealers violating the law in accordance with the
14 provisions of the textbooks part of this title;

15 (28) administer and perform the duties as the executive
16 officer of the board of public education for vocational
17 education in accordance with the provisions of 20-7-302;

18 ~~(29) consider applications for the designation of a~~
19 ~~postsecondary vocational-technical center in accordance with~~
20 ~~the provisions of 20-7-311;~~

21 ~~(30) establish a fund for the handling of postsecondary~~
22 ~~vocational-technical center fees in accordance with the~~
23 ~~provisions of 20-7-333;~~

24 (31)(29) supervise and coordinate the conduct of
25 special education in the state in accordance with the

1 provisions of 20-7-403;

2 ~~(32)(30)~~ administer the traffic education program in
3 accordance with the provisions of 20-7-502;

4 ~~(33)(31)~~ administer the school food services program in
5 accordance with the provisions of 20-10-201, 20-10-202, and
6 20-10-203;

7 ~~(34)(32)~~ review school building plans and
8 specifications in accordance with the provisions of
9 20-6-622;

10 ~~(35)(33)~~ prescribe the method of identification and
11 signals to be used by school safety patrols in accordance
12 with the provisions of 20-1-408; and

13 ~~(36)(34)~~ perform any other duty prescribed from time to
14 time by this title, any other act of the legislature, or the
15 policies of the board of public education."

16 Section 13. Section 20-3-324, MCA, is amended to read:

17 "20-3-324. Powers and duties. As prescribed elsewhere
18 in this title, the trustees of each district shall have the
19 power and it shall be their duty to perform the following
20 duties or acts:

21 (1) employ or dismiss a teacher, principal, or other
22 assistant upon the recommendation of the district
23 superintendent, the county high school principal, or other
24 principal as the board may deem necessary, accepting or
25 rejecting such recommendation as the trustees shall in "

1 sole discretion determine, in accordance with the provisions
2 of the school personnel part of this title;

3 (2) employ and dismiss administrative personnel,
4 clerks, secretaries, teacher aides, custodians, maintenance
5 personnel, school bus drivers, food service personnel,
6 nurses, and any other personnel deemed necessary to carry
7 out the various services of the district;

8 (3) administer the attendance and tuition provisions
9 and otherwise govern the pupils of the district in
10 accordance with the provisions of the pupils chapter of this
11 title;

12 (4) call, conduct, and certify the elections of the
13 district in accordance with the provisions of the school
14 elections chapter of this title;

15 (5) participate in the teachers' retirement system of
16 the state of Montana in accordance with the provisions of
17 the teachers' retirement system chapter of Title 19;

18 (6) participate in district boundary change actions in
19 accordance with the provisions of the districts chapter of
20 this title;

21 (7) organize, open, close, or acquire isolation status
22 for the schools of the district in accordance with the
23 provisions of the school organization part of this title;

24 (8) adopt and administer the annual budget or an
25 emergency budget of the district in accordance with the

1 provisions of the school budget system part of this title;

2 (9) conduct the fiscal business of the district in
3 accordance with the provisions of the school financial
4 administration part of this title;

5 (10) establish the ANB, foundation program, permissive
6 levy, additional levy, cash reserve, and state impact aid
7 amount for the general fund of the district in accordance
8 with the provisions of the general fund part of this title;

9 (11) establish, maintain, budget, and finance the
10 transportation program of the district in accordance with
11 the provisions of the transportation parts of this title;

12 (12) issue, refund, sell, budget, and redeem the bonds
13 of the district in accordance with the provisions of the
14 bonds parts of this title;

15 (13) when applicable, establish, financially
16 administer, and budget for the tuition fund, retirement
17 fund, building reserve fund, adult education fund,
18 ~~postsecondary-vocational-technical-center-fund~~, nonoperating
19 fund, school food services fund, miscellaneous federal
20 programs fund, building fund, housing and dormitory fund,
21 traffic education fund, and interlocal cooperative agreement
22 fund in accordance with the provisions of the other school
23 funds parts of this title;

24 (14) when applicable, administer any interlocal
25 cooperative agreement, gifts, legacies, or devises in

1 accordance with the provisions of the miscellaneous
2 financial parts of this title;

3 (15) hold in trust, acquire, and dispose of the real
4 and personal property of the district in accordance with the
5 provisions of the school sites and facilities part of this
6 title;

7 (16) operate the schools of the district in accordance
8 with the provisions of the school calendar part of this
9 title;

10 (17) establish and maintain the instructional services
11 of the schools of the district in accordance with the
12 provisions of the instructional services, textbooks,
13 vocational education, and special education parts of this
14 title;

15 (18) establish and maintain the school food services of
16 the district in accordance with the provisions of the school
17 food services parts of this title;

18 (19) make such reports from time to time as the county
19 superintendent, superintendent of public instruction, and
20 board of public education may require;

21 (20) retain, when deemed advisable, a physician or
22 registered nurse to inspect the sanitary conditions of the
23 school or the general health conditions of each pupil and,
24 upon request, make available to any parent or guardian any
25 medical reports or health records maintained by the district

1 pertaining to his child;

2 (21) for each member of the trustees, visit each school
3 of the district not less than once each school fiscal year
4 to examine its management, conditions, and needs;

5 (22) procure and display outside daily in suitable
6 weather at each school of the district an American flag
7 which shall be not less than 4 feet by 6 feet; and

8 (23) perform any other duty and enforce any other
9 requirements for the government of the schools prescribed by
10 this title, the policies of the board of public education,
11 or the rules of the superintendent of public instruction."

12 Section 14. Section 20-6-501, MCA, is amended to read:

13 "20-6-501. Definition of various schools. As used in
14 this title, unless the context clearly indicates otherwise,
15 the term "school" means an institution for the teaching of
16 children that is established and maintained under the laws
17 of the state of Montana at public expense. The trustees of
18 any district shall designate the grade assignments for the
19 schools of the district, but for the purposes of this title
20 each school shall be known as:

21 (1) an elementary school when it comprises the work of
22 any combination of kindergarten, other preschool programs,
23 or the first eight grades or their equivalents. A middle
24 school is a school comprising the work of grades 4 through 8
25 or any combination thereof that has been accredited as a

1 middle school under the provisions of 20-7-102. When an
2 accredited junior high school or an accredited 6-year high
3 school is operated by the district, grades 7 and 8 or their
4 equivalents shall not be considered as elementary grades.

5 (2) a high school when it comprises the work of one or
6 more grades of schoolwork or their equivalents intermediate
7 between the elementary schools and the institutions of
8 higher education of the state of Montana. Types of high
9 schools shall be designated as follows:

10 (a) a junior high school is a school comprising the
11 work of grades 7 through 9 or their equivalents that has
12 been accredited as a junior high school under the provisions
13 of 20-7-102;

14 (b) a senior high school is a school which comprises
15 the work of grades 10 through 12 or their equivalents and
16 which is operated in conjunction with a junior high school;

17 (c) a 6-year high school is a school comprising the
18 work of grades 7 through 12 or their equivalents that has
19 been accredited as a 6-year high school under the provisions
20 of 20-7-102;

21 (d) a 4-year high school is a school comprising the
22 work of grades 9 through 12 or their equivalents;

23 (e) a county high school is a 4-year high school
24 operated as an agency of county government and established
25 under the provisions of the acts of March 3, 1899, March 14,

1 1901, and any subsequent amendments thereto,

2 ~~(f) a postsecondary vocational technical center~~
3 ~~established under the provisions of 20-7-311.~~

4 Section 15. Section 20-7-302, MCA, is amended to read:

5 "20-7-302. Duties of superintendent of public
6 instruction as executive officer of elementary and secondary
7 vocational education. The superintendent of public
8 instruction shall be ~~is~~ the executive officer of the board
9 of public education for the administration of all state and
10 federal laws related to elementary and secondary vocational
11 education. As the executive officer, the superintendent of
12 public instruction shall has the following duties relating
13 to elementary and secondary vocational education:

14 (1) administer the ~~vocational~~ education policies
15 adopted by the board of public education;

16 (2) prepare curriculum guides for board of public
17 education adoption;

18 (3) employ, with the confirmation of the board of
19 public education, the professional staff necessary for the
20 state supervision and administration of elementary and
21 secondary vocational education;

22 (4) report the status of elementary and secondary
23 vocational education in the state of Montana when requested
24 by the board of public education;

25 (5) ~~keep all vocational~~ education maintain records in

1 his office; and

2 (6) provide vocational education supervisory and
3 consultative assistance to districts."

4 Section 16. Section 20-7-303, MCA, is amended to read:

5 "20-7-303. District authorization to establish and
6 maintain vocational education courses and programs. (1) The
7 trustees of any ~~a~~ district, community college district, or
8 unit of the Montana university system may establish and
9 maintain a vocational education course or program that
10 complies with the vocational education standards policies
11 adopted by the board of public education of regents.

12 ~~(1) The trustees of a high school or elementary school~~
13 ~~district may establish and maintain a vocational education~~
14 ~~course or program that complies with the vocational~~
15 ~~education policies adopted by the board of public education.~~

16 (2) In order for a course or program to be eligible
17 for state or federal financing, it shall be approved by the
18 board of public education."

19 Section 17. Section 20-7-311, MCA, is amended to read:

20 "20-7-311. ~~Postsecondary vocational technical center~~
21 ~~center~~ designation. (1) ~~Postsecondary vocational technical~~
22 ~~centers~~ Centers shall be designated by the board of public
23 education only upon direction of the legislature. ~~Law.~~
24 ~~Applications for designation must be made in accordance with~~
25 ~~the following procedure:~~

1 ~~(a) The trustees of any high school district, of a~~
2 ~~county high school, of a community college district, or the~~
3 ~~governing board of any unit of the Montana university system~~
4 ~~may submit an application for designation of a postsecondary~~
5 ~~vocational technical center to be operated by such trustees~~
6 ~~or governing board. The application for designation shall be~~
7 ~~submitted in accordance with the time, date, and form~~
8 ~~requirements prescribed by the board of public education.~~
9 ~~Applicant high school districts, county high schools, or~~
10 ~~community college districts shall be located in a county~~
11 ~~with a taxable valuation of at least \$45 million.~~

12 ~~(b) Applications are to be presented to the~~
13 ~~superintendent of public instruction acting in his capacity~~
14 ~~as the executive officer for vocational education of the~~
15 ~~board of public education. The superintendent of public~~
16 ~~instruction shall review the application and present it to~~
17 ~~the board of public education along with his~~
18 ~~recommendations. The board of public education shall then~~
19 ~~examine the application and recommendations of the~~
20 ~~superintendent of public instruction and either adopt the~~
21 ~~recommendations of the superintendent of public instruction~~
22 ~~or draft its own recommendations. The application, together~~
23 ~~with all recommendations, shall be presented by the board of~~
24 ~~public education to the next following legislature.~~

25 (2) The board of public education regents shall

1 recognize the presently designated postsecondary
 2 vocational-technical centers operated by the respective
 3 board-of-trustees-of located in school district number 1 of
 4 Silver Bow County, high school district number 1 of Lewis
 5 and Clark County, high school district "A" of Cascade
 6 County, Missoula County high school, and high school
 7 district number 2 of Yellowstone County."

8 Section 18. Section 20-7-314, MCA, is amended to read:

9 "20-7-314. Lease or purchase of state property for
 10 postsecondary vocational-technical center purposes. (1) The
 11 state of Montana, acting by and through the board of public
 12 education regents with ratification by the legislature, ~~is~~
 13 hereby ~~empowered and authorized to~~ may enter into a lease
 14 agreement for a term not to exceed 40 years in order to
 15 lease to ~~a district operating a postsecondary~~
 16 ~~vocational-technical center any building or lands owned by~~
 17 ~~the state and financed in whole or in part by an~~
 18 ~~appropriation made by the legislature of the state of~~
 19 ~~Montana for the purpose of supporting the district's~~
 20 ~~postsecondary vocational-technical centers. The consideration~~
 21 ~~necessary to support such a lease may be nominal local~~
 22 school district buildings and lands which were financed in
 23 whole or in part by funds made available for the purpose of
 24 supporting a postsecondary vocational-technical center.

25 (2) ~~The board of public education is hereby authorized~~

1 ~~to transfer or direct transfer of title held by the state of~~
 2 ~~Montana in buildings or lands financed in whole or in part~~
 3 ~~by an appropriation by the state legislature to a district~~
 4 ~~operating a postsecondary vocational-technical center at~~
 5 ~~any time the board of public education deems such transfer~~
 6 ~~to be in the best interests of both the state and the~~
 7 ~~district involved provided that this authorization extends~~
 8 ~~only to buildings or lands which are to be used by the~~
 9 ~~district for postsecondary vocational-technical education~~
 10 ~~purposes. Right of renewal of the lease shall be guaranteed~~
 11 if the buildings and lands are utilized for the purposes of
 12 state postsecondary vocational education."

13 Section 19. Section 20-7-322, MCA, is amended to read:

14 "20-7-322. State treasurer custodian of vocational
 15 education moneys ~~money.~~ (1) The ~~state~~ treasurer of ~~the~~
 16 ~~state of Montana~~ is hereby designated ~~as the~~ custodian of
 17 all federal and state moneys ~~money~~ designated, appropriated,
 18 or apportioned for vocational education. ~~All moneys received~~
 19 ~~from any federal or state source for the establishment~~
 20 ~~operation or furtherance of vocational education in the~~
 21 ~~state shall be deposited with the state treasury.~~

22 (2) At the direction of the board of public education
 23 regents, ~~he~~ the state treasurer shall disburse all moneys
 24 ~~money~~ appropriated or received for postsecondary vocational
 25 education.

1 (3) At the direction of the superintendent of public
 2 instruction, the state treasurer shall disburse all money
 3 appropriated for elementary and secondary vocational
 4 education."

5 Section 20. Section 20-7-324, MCA, is amended to read:

6 "20-7-324. Sources of financing for postsecondary
 7 vocational-technical-center budgets -- board of public
 8 education administration Center budgets -- limitations --
 9 revenue sources. (1) The total of the budgets approved by
 10 the board of public education together with the budget for
 11 the cost of state administration of the postsecondary
 12 vocational-technical centers, shall constitute the total
 13 maximum approved statewide budget which shall be financed as
 14 follows: Center budgets and state administrative costs may
 15 not exceed amounts appropriated by the legislature and
 16 approved by the board of regents. Center budgets may be
 17 financed with the following revenue sources:

18 (a) The primary source of financing is to be those
 19 funds specifically designated by legislative enactment or
 20 referendum by the people for financing postsecondary
 21 vocational-technical education in Montana;

22 (b) The board of county commissioners of each county
 23 in which a designated postsecondary vocational-technical
 24 center is located is hereby authorized to levy

25 (1) a tax of not to exceed 1 mill on the dollar of all

1 taxable property, real and personal, within the a county for
 2 the support and maintenance of the postsecondary
 3 vocational-technical-center located within the county which
 4 must be levied by the board of county commissioners of each
 5 county in which a designated center is located.

6 (c) Designated postsecondary vocational-technical
 7 centers shall be eligible to receive such funds from the
 8 federal government as the board of public education may
 9 provide pursuant to applicable acts of congress.

10 (d) The board of trustees of any designated high
 11 school district or county high school district where a
 12 postsecondary vocational-technical-center is located may be
 13 required as a condition for the construction in that
 14 district of a postsecondary vocational-technical-center or
 15 any part thereof to furnish up to 50% of the amount of
 16 funds required for any such construction. The percentage of
 17 construction funds to be furnished by the designated
 18 district shall be derived, in whole or in part, from any of
 19 the following sources:

20 (i) the sale of bonds issued by that district (such
 21 bonds shall be issued in conformity with the requirements of
 22 chapter 9, part 4, of this title in the case of high school
 23 and county high school district);

24 (ii) any other funds available to that district which
 25 may be legally and properly applied toward such

1 construction

2 ~~(iii) the reasonable value of land, buildings,~~
 3 ~~fixtures, or equipment furnished by that district, subject~~
 4 ~~to the approval of the board of public education.~~

5 ~~(e) if the aggregate financing provided by sources of~~
 6 ~~revenue in (1)(a), (1)(b), and (1)(c) of this section does~~
 7 ~~not provide 100% financing of the maximum approved statewide~~
 8 ~~budget, the remaining deficiency shall be financed from any~~
 9 ~~state funds appropriated by the legislature for~~
 10 ~~postsecondary vocational-technical education.~~

11 ~~(2) The board of public education shall direct the~~
 12 ~~distribution of the funds specified in subsections (1)(a),~~
 13 ~~(1)(c), and (1)(e) of this section on the basis of the~~
 14 ~~budgets approved by the board of public education. The funds~~
 15 ~~earned by the mill levy specified in subsection (1)(b) of~~
 16 ~~this section shall be credited by the county treasurer to~~
 17 ~~the postsecondary vocational-technical center funds.~~

18 ~~(3) The board of public education shall determine the~~
 19 ~~amount of financing available from these five sources of~~
 20 ~~revenue and may approve budgets for maintenance and~~
 21 ~~operations, construction, and ancillary services. The~~
 22 ~~aggregate amount of the budgets so approved by the board of~~
 23 ~~public education for postsecondary vocational-technical~~
 24 ~~centers shall not exceed the moneys determined to be~~
 25 ~~available.~~

1 (2) federal funds available for use by centers;

2 (3) fees authorized by the board of regents;

3 (4) any other funds appropriated by the legislature."

4 Section 21. Section 20-7-331, MCA, is amended to read:

5 "20-7-331. Admission of pupils with priority to
 6 Montana residents. Any person who qualifies as a
 7 postsecondary vocational-technical pupil as defined in this
 8 title shall be admitted to the postsecondary
 9 vocational-technical center of his choice, except that
 10 pupils who qualify as residents Residents of the state of
 11 Montana as hereafter defined by the board shall be given
 12 priority in case enrollment limitations are caused by
 13 resource limitation."

14 Section 22. Section 20-7-702, MCA, is amended to read:

15 "20-7-702. Authorization to establish adult education
 16 program. The trustees of any district, or community college
 17 district, or center may establish and operate an adult
 18 education program at any time of the day when facilities and
 19 personnel are available. An adult education program may
 20 provide both basic and secondary general education,
 21 vocational education, American citizenship education,
 22 including courses in the English language and American
 23 history and government, or any other areas of instruction
 24 approved by the trustees."

25 Section 23. Section 20-7-704, MCA, is amended to read:

1 "20-7-704. Adult education tuition and fees. The
2 trustees of a district~~2~~ or community college district~~2~~ or
3 ~~in the case of a center, the board of regents~~ shall have the
4 authority to charge tuition for instruction and to charge
5 fees for the use of equipment and materials. The amount of
6 such tuition and fees shall be determined on a per-course
7 basis or on the basis of the cost of the entire adult
8 education program. All proceeds from tuition and fees shall
9 be deposited in the adult education fund."

10 Section 24. Section 20-7-705, MCA, is amended to read:

11 "20-7-705. Adult education fund. (1) A separate adult
12 education fund shall be established when an adult education
13 program is operated by a district~~2~~ or a community college
14 district~~2~~ or a center. The financial administration of such
15 fund shall comply with the budgeting, financing, and
16 expenditure provisions of the laws governing the schools.

17 (2) Whenever the trustees of any district or center
18 establish an adult education program under the provisions of
19 20-7-702, they shall establish an adult education fund under
20 the provisions of this section. The adult education fund
21 shall be the depository for all federal, state, and district
22 moneys received by the district or center in support of the
23 adult education program.

24 (3) The trustees of any district may authorize the
25 levy of a tax of not more than 1 mill on the district for

1 the operation of an adult education program when the
2 superintendent of public instruction has approved the
3 educational program to be supported by such levy. The
4 approval of the superintendent of public instruction shall
5 have been acquired by the trustees before the fourth Monday
6 of June in order to include the expenditures to be financed
7 by the levy in the preliminary budget. The superintendent of
8 public instruction shall promulgate rules and forms for such
9 approval.

10 (4) Whenever the trustees of any district or center
11 decide to offer an adult education program during the
12 ensuing school fiscal year, they shall budget for the cost
13 of such program in the adult education fund of the
14 preliminary budget. Any expenditures in support of the adult
15 education program under the final adult education budget
16 shall be made in accordance with the financial
17 administration provisions of this title for a budgeted fund.

18 (5) When a tax levy for an adult education program
19 which has been approved by the superintendent of public
20 instruction is included as a revenue item on the final adult
21 education budget, the county superintendent shall report
22 such levy requirement to the county commissioners on the
23 second Monday of August and a levy on the district shall be
24 made by the county commissioners in accordance with
25 20-9-142."

LC 0073/01

1 Section 25. Repealer. Sections 20-7-312, 20-7-313,
2 20-7-323, 20-7-325, 20-7-332, and 20-7-333, MCA, are
3 repealed.

-End-