

HOUSE BILL NO. 18

1/07 Introduced
1/07 Referred to Education & Cultural Resources
1/10 Fiscal Note Requested
1/17 Fiscal Note Received
1/18 Hearing
2/18 Committee Report-Bill Pass As Amended
2/18 Statement of Intent Attached
2/22 2nd Reading Pass As Amended
2/25 3rd Reading Pass

Transmitted to Senate

3/04 Referred to Education & Cultural Resources
3/20 Hearing
3/27 Committee Report-Bill Concurred
3/28 Referred to Education & Cultural Resources
3/29 Committee Report-Bill Concurred
4/01 2nd Reading Indefinitely Postponed

1 HOUSE BILL NO. 18
2 INTRODUCED BY DONALDSON

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A STATE
5 BOARD ALLOCATED TO THE BOARD OF REGENTS TO GOVERN
6 POSTSECONDARY VOCATIONAL-TECHNICAL CENTERS; ABOLISHING LOCAL
7 CONTROL; AMENDING SECTIONS 2-18-103, 19-4-302, 20-1-101,
8 20-2-101, 20-2-111 THROUGH 20-2-114, 20-3-103, 20-3-104,
9 20-3-106, 20-3-324, 20-6-501, 20-7-301, 20-7-302.1,
10 20-7-303, 20-7-311, 20-7-312, 20-7-314, 20-7-322 THROUGH
11 20-7-325, 20-7-327, 20-7-332, 20-7-333, 20-9-403, 20-9-513,
12 20-9-603, 39-71-118, AND 90-6-211; REPEALING SECTIONS
13 20-7-326, 20-9-404, AND 20-9-405; AND PROVIDING AN EFFECTIVE
14 DATE."

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

16 NEW SECTION. Section 1. Board of postsecondary
17 vocational-technical education. (1) There is a board of
18 postsecondary vocational-technical education consisting of
19 seven persons appointed by and serving at the pleasure of
20 the governor. After initial appointments, each board member
21 must be appointed to a 7-year term of office and the terms
22 must be staggered. The governor must ensure that business
23 and industrial interests are represented by the board and
24 must ensure geographic distribution of appointees.

1 (2) The board of postsecondary vocational-technical
2 education is allocated to the board of regents as provided
3 in this subsection. The budget requests of the board of
4 postsecondary vocational-technical education must be
5 included with those of the board of regents. The board of
6 regents has supervisory, administrative, coordinating, and
7 other powers and duties with respect to the board of
8 postsecondary vocational-technical education to the extent
9 necessary for the board of regents to comply with its duties
10 as the sole state agency under the 1963 federal vocational
11 education act, as amended through July 1, 1985, and [section
12 2].

13 NEW SECTION. Section 2. Sole state agency for federal
14 vocational education requirements. The board of regents is
15 the sole state agency for purposes of the 1963 federal
16 vocational education act, as amended through July 1, 1985,
17 which requires a state participating in programs under that
18 act to designate a state board or agency as the sole state
19 agency responsible for administration or supervision of the
20 administration of those programs.

21 NEW SECTION. Section 3. Local advisory boards. The
22 board of trustees of a school district in which a
23 postsecondary vocational-technical center is located may act
24 in an advisory capacity and may appoint one or more other
25 boards composed of residents of the school district to act

1 in an advisory capacity to the center and the board of
2 postsecondary vocational-technical education in matters
3 concerning postsecondary vocational-technical education.

4 NEW SECTION. Section 4. Powers and duties of board of
5 postsecondary vocational-technical education. (1) The board
6 of postsecondary vocational-technical education has general
7 administrative and supervisory control over postsecondary
8 vocational-technical education and shall:

9 (a) establish and when necessary amend a plan for the
10 orderly development of postsecondary vocational-technical
11 education that is consistent with federal and state law,
12 controlled to prevent unnecessary duplication, and funded to
13 ensure necessary growth and quality education;

14 (b) adopt standards for courses and programs;

15 (c) implement a review process for establishing and
16 deleting programs and courses that recognizes the present
17 and future needs of employers and provides qualified
18 graduates for positions for which there is or may in the
19 near future be a demand;

20 (d) establish student entrance and graduation
21 requirements;

22 (e) appoint a director, to serve at the pleasure of
23 the board, for each postsecondary vocational-technical
24 center and establish minimum qualifications for
25 certification of faculty and minimum qualifications for

1 directors, administrative staff, and other personnel;
2 (f) appoint a commissioner of postsecondary
3 vocational-technical education, to serve at the pleasure of
4 the board;

5 (g) establish student tuition and prescribe the bases
6 and limitations for charging of fees, taking into account
7 funding available from all other sources;

8 (h) determine the amount to be paid for the lease of
9 buildings;

10 (i) adopt budget requests for the postsecondary
11 vocational-technical education system;

12 (j) establish a procedure by which students can
13 receive part of their education and training through
14 programs, courses, and on-the-job training offered by the
15 private sector and not available at the centers;

16 (k) establish a procedure by which qualified persons
17 in the private sector can participate in the training and
18 teaching of students in the centers' classrooms when such
19 persons have training, knowledge, and skills not available
20 through the centers' faculty;

21 (l) provide means by which the centers' faculty can
22 obtain advanced education and training in new areas and
23 either be reimbursed for their expenses or raised to a
24 higher salary level, or both;

25 (m) establish for the various centers uniform policies

1 for recordkeeping; financial transactions; accounting;
 2 maintenance; recruiting, guidance, and placement of
 3 students; examinations; personnel relations; and other
 4 matters as determined by the board;

5 (n) work with other institutions of higher education
 6 to implement the transfer of course credits between those
 7 institutions and the postsecondary vocational-technical
 8 centers; and

9 (o) adopt rules and procedures to implement this
 10 section and to carry out any other powers and duties of the
 11 board.

12 (2) Rules proposed for adoption must be submitted to
 13 the board of regents for its comments and suggestions prior
 14 to publication of the notice of intent to adopt the rules.
 15 The board of regents may at any time submit to the board of
 16 postsecondary vocational-technical education recommendations
 17 for changes in rules and policies.

18 NEW SECTION. Section 5. Duties of the commissioner of
 19 postsecondary vocational-technical education. The
 20 commissioner of postsecondary vocational-technical education
 21 shall, under the rules and policies of the board of
 22 postsecondary vocational-technical education:

23 (1) be the chief administrative officer for the board
 24 of postsecondary vocational-technical education for the
 25 administration of its postsecondary vocational-technical

1 center rules and policies;
 2 (2) employ, within the limits of any legislative
 3 appropriation and with the confirmation of the board of
 4 postsecondary vocational-technical education, the staff
 5 necessary for the state supervision and administration of
 6 the board's postsecondary vocational-technical center rules
 7 and policies;

8 (3) provide supervisory and consultative assistance to
 9 centers;

10 (4) report the status of postsecondary
 11 vocational-technical education in the state of Montana when
 12 requested by the board of postsecondary vocational-technical
 13 education;

14 (5) keep all board of postsecondary
 15 vocational-technical education records in his office; and

16 (6) perform any other duties assigned by the board of
 17 postsecondary vocational-technical education.

18 NEW SECTION. Section 6. Employment
 19 of vocational-technical center personnel. Persons may be
 20 employed by vocational-technical centers through any one or
 21 more processes chosen by the board of postsecondary
 22 vocational-technical education, which may include collective
 23 bargaining. Different employment processes may be used for
 24 different levels or types of personnel.

25 NEW SECTION. Section 7. Existing center employees.

1 (1) Notwithstanding [section 6], each vocational-technical
2 center must, through the collective bargaining process,
3 contract for the services of each person employed by the
4 center in any capacity on July 1, 1985, under a collectively
5 bargained contract with the school district in which the
6 center is located.

7 (2) If a person is employed by a center in any
8 capacity on July 1, 1985, under a collectively bargained
9 contract with the school district in which the center is
10 located, then, during the 2 years following July 1, 1985:

11 (a) his negotiated salary may not be less than he
12 would receive if he were still a member of the appropriate
13 unit collectively bargaining with the local school district
14 in which the center is located; and

15 (b) his negotiated employment benefits must, as to
16 types of benefits received and the amount, value, number of
17 days, or other means of measuring each type of benefit, at
18 least equal the benefits he would receive if he were still a
19 member of the appropriate unit collectively bargaining with
20 the local school district in which the center is located.

21 (3) Subsection (2) applies only to salary and
22 benefits. Continuing education requirements, discipline of
23 personnel, duties of each position, working conditions,
24 hours of employment, classes taught, advancement of
25 personnel, renewal and reinstatement of teaching

1 certificates, and all other conditions of employment must be
2 set as provided in [section 6].

3 (4) If a person is employed by a center in any
4 capacity on July 1, 1985, and has accumulated sick,
5 vacation, or other leave, the school district in which the
6 center is located shall reimburse the center for the cost of
7 paying him his salary for each day and portion thereof
8 following July 1, 1985, during which he does not work
9 because he is using such accumulated leave time.

10 Section 8. Section 2-18-103, MCA, is amended to read:
11 "2-18-103. Officers and employees excepted. Parts 1
12 and 2 do not apply to the following positions in state
13 government:

14 (1) elected officials;
15 (2) county assessors and their chief deputy;
16 (3) officers and employees of the legislative branch;
17 (4) judges and employees of the judicial branch;
18 (5) members of boards and commissions appointed by the
19 governor, appointed by the legislature, or appointed by
20 other elected state officials;
21 (6) officers or members of the militia;
22 (7) agency heads appointed by the governor;
23 (8) academic and professional administrative personnel
24 with individual contracts under the authority of the board
25 of regents of higher education or the board of postsecondary

1 vocational-technical education;

2 (9) academic and professional administrative personnel
3 and live-in houseparents who have entered into individual
4 contracts with the state school for the deaf and blind under
5 the authority of the state board of public education;

6 (10) teachers under the authority of the department of
7 institutions;

8 (11) investment officer and assistant investment
9 officer of the board of investments; and

10 (12) four professional staff positions under the board
11 of oil and gas conservation."

12 Section 9. Section 19-4-302, MCA, is amended to read:

13 "19-4-302. Active membership. (1) Unless otherwise
14 provided by this chapter, the following persons must be
15 active members of the retirement system, with the exception
16 that those persons who became eligible for membership on
17 September 1, 1937, or on September 1, 1939, and who elected
18 not to become members under the provisions of the law at
19 that time are not required to be members:

20 (a) any person who is a teacher, principal, or
21 district superintendent as defined in 20-1-101;

22 (b) any person who is an administrative officer or a
23 member of the instructional or scientific staff of a unit of
24 the Montana university system;

25 (c) any person employed in an instructional services

1 capacity by the office of the superintendent of public
2 instruction, the office of a county superintendent, a
3 special education cooperative, a public institution of the
4 state of Montana, the Montana state school for the deaf and
5 blind, the board of postsecondary vocational-technical
6 education or a postsecondary vocational-technical center, or
7 a school district;

8 (d) any person who has elected not to become a member
9 of the retirement system and is reentering service in a
10 capacity prescribed by (a), (b), or (c) of this subsection
11 (1);

12 (e) any person who has elected not to become a member
13 of the retirement system, who has been continuously employed
14 in a capacity prescribed by (a), (b), or (c) of this
15 subsection (1) since the time of such election, and who may
16 thereafter elect to become a member of the retirement
17 system.

18 (2) In order to be eligible for active membership, any
19 person described in subsection (1) must:

20 (a) be employed in the capacity prescribed for his
21 eligibility for at least 30 days in any fiscal year; and

22 (b) have the compensation for his creditable service
23 totally paid by an employer as defined herein.

24 (3) At any time a person's eligibility to become a
25 member of the retirement system is in doubt, the retirement

1 board shall determine his eligibility for membership. All
 2 persons in similar circumstances shall be treated alike."

3 Section 10. Section 20-1-101, MCA, is amended to read:
 4 "20-1-101. Definitions. As used in this title, unless
 5 the context clearly indicates otherwise, the following
 6 definitions apply:

7 (1) "Agricultural experiment station" means the
 8 agricultural experiment station established at Montana state
 9 university.

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

13 (3) "The board of public education" is the board
 14 created by Article X, section 9, subsection (3), of the 1972
 15 Montana constitution and 2-15-1507.

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

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

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

24 (7) "District superintendent" means any person who
 25 holds a valid class 3 Montana teacher certificate with a

1 superintendent's endorsement that has been issued by the
 2 superintendent of public instruction under the provisions of
 3 this title and the policies adopted by the board of public
 4 education and who has been employed by a district as a
 5 district superintendent.

6 (8) "K-12 vocational education" means vocational
 7 education in public school grades 1 through 12.

8 ~~(9)~~ "Postsecondary vocational-technical center" means ~~a--school~~ an institution used principally for the
 9 provision of postsecondary vocational-technical education to
 10 persons who qualify as postsecondary vocational-technical
 11 pupils students. These centers are designated by the
 12 superintendent-of-public-instruction board of postsecondary
 13 vocational-technical education upon direction by the
 14 legislature. All other public or private institutions or
 15 schools are hereby prohibited from using this title.

16 ~~(9)~~ "Postsecondary vocational-technical education" means vocational-technical education of postsecondary
 17 vocational-technical pupils students which is conducted by a
 18 postsecondary vocational-technical center or other programs
 19 as designated by the superintendent--of--public--instruction
 20 board of postsecondary vocational-technical education.

21 Postsecondary vocational-technical education shall include
 22 the 13th and 14th year and beyond but will not include work
 23 toward a baccalaureate degree.

1 ~~t10~~(11) "Postsecondary vocational-technical pupil
 2 student" means a person who has completed or left school, is
 3 at least 16 years of age, and is available for study in
 4 preparation for entering the labor market, for reentering
 5 the labor market, or for employment stability or advancement
 6 in employment.

7 ~~t11~~(12) "Principal" means any person who holds a valid
 8 class 3 Montana teacher certificate with an applicable
 9 principal's endorsement that has been issued by the
 10 superintendent of public instruction under the provisions of
 11 this title and the policies adopted by the board of public
 12 education and who has been employed by a district as a
 13 principal. For the purposes of this title, any reference to
 14 a teacher shall be construed as including a principal, as
 15 herein defined.

16 ~~t12~~(13) "Pupil" means any child who is 6 years of age
 17 or older on or before September 10 of the year in which the
 18 child is to enroll or has been enrolled by special
 19 permission of the board of trustees under 20-5-101(3) but
 20 has not yet reached his 19th birthday and who is enrolled in
 21 a school established and maintained under the laws of the
 22 state of Montana at public expense.

23 ~~t13~~(14) "Pupil instruction" means the conduct of
 24 organized instruction of pupils enrolled in public schools
 25 while under the supervision of a teacher.

1 ~~t14~~(15) "Regents" means the board of regents of higher
 2 education.

3 ~~t15~~(16) "School food services" means a service of
 4 providing food for the pupils of a district on a nonprofit
 5 basis and shall include any food service financially
 6 assisted through funds or commodities provided by the United
 7 States government.

8 ~~t16~~(17) "The state board of education" is the board
 9 composed of the board of public education and the board of
 10 regents as specified in Article X, section 9, subsection
 11 (1), of the 1972 Montana constitution.

12 ~~t17~~(18) "State university" means the Montana state
 13 university, located at Bozeman.

14 ~~t18~~(19) "Superintendent of public instruction" means
 15 that state government official designated as a member of the
 16 executive branch by the constitution of Montana.

17 ~~t19~~(20) "System" means the Montana university system.

18 ~~t20~~(21) "Teacher" means any person, except a district
 19 superintendent, who holds a valid Montana teacher
 20 certificate that has been issued by the superintendent of
 21 public instruction under the provisions of this title and
 22 the policies adopted by the board of public education and
 23 who is employed by a district as a member of its
 24 instructional, supervisory, or administrative staff. This
 25 definition of a teacher shall also include any person for

1 whom an emergency authorization of employment of such person
 2 has been issued under the provisions of 20-4-111.

3 ~~t21~~(22) "Textbook" means a book or manual used as a
 4 principal source of study material for a given class or
 5 group of students.

6 ~~t22~~(23) "Textbook dealer" means any party, company,
 7 corporation, or other organization selling, offering to
 8 sell, or offering for adoption textbooks to districts in the
 9 state of Montana.

10 ~~t23~~(24) "Trustees" means the governing board of a
 11 district.

12 ~~t24~~(25) "University" means the university of Montana,
 13 located at Missoula.

14 ~~t25~~(26) "Vocational education" means the instruction
 15 to prepare or improve the pupil for gainful employment that
 16 does not require a baccalaureate or higher degree. This
 17 definition of vocational education shall include guidance
 18 and prevocational, related, or technical instruction
 19 necessary to prepare the pupil for further vocational
 20 education or for entry into employment."

21 Section 11. Section 20-2-101, MCA, is amended to read:

22 "20-2-101. Combined boards as state board -- budget
 23 review -- officers -- meetings -- quorum. (1) The board of
 24 public education and the board of regents meeting together
 25 as the state board of education shall be responsible for

1 long-range planning and for coordinating and evaluating
 2 policies and programs for the public educational systems of
 3 the state. The state board of education shall review and
 4 unify the budget requests of educational entities assigned
 5 by law to the board of public education, the board of
 6 regents, the board of postsecondary vocational-technical
 7 education, or the state board of education and shall submit
 8 a unified budget request with recommendations to the
 9 appropriate state agency.

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

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

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

18 (5) A majority of members appointed to the board of
 19 public education and the board of regents shall constitute a
 20 quorum for transaction of business as the state board of
 21 education.

22 (6) The board of public education and the board of
 23 regents shall meet at least twice yearly as the state board
 24 of education on any two of the dates specified in
 25 20-2-112(1).

1 (7) Other meetings of the state board of education may
 2 be called by the governor, by both the secretary to the
 3 board of public education and the secretary to the board of
 4 regents, or by joint action of eight appointed members, four
 5 each from the board of public education and the board of
 6 regents. All meetings of the state board of education shall
 7 be for the purposes set forth in subsection (1) above or for
 8 the purpose of considering other matters of common concern
 9 to the board of public education and the board of regents,
 10 but the state board of education may not exercise the powers
 11 and duties assigned by the 1972 Montana constitution and by
 12 law to the board of public education and the board of
 13 regents."

14 Section 12. Section 20-2-111, MCA, is amended to read:

15 "20-2-111. Officers of boards -- quorum. (1) The board
 16 of public education, the board of postsecondary
vocational-technical education, and the board of regents may
 17 each select a chairman from among their appointed members.

18 (2) The professional assistant shall serve as
 19 secretary to the board of public education, and the
 20 commissioner of higher education serves as secretary to the
 21 board of regents.

22 (3) A majority of the appointed members of each board
 23 constitutes a quorum for the transaction of business.

24 (4) The professional assistant shall serve as a

1 liaison between the board of public education and the
 2 superintendent of public instruction and shall carry out
 3 other such duties as assigned by the board of public
 4 education."

5 Section 13. Section 20-2-112, MCA, is amended to read:
 6 "20-2-112. Quarterly meetings of boards -- called
 7 meetings -- notice of meetings. (1) The board of public
 8 education, the board of postsecondary vocational-technical
education, and the board of regents shall meet quarterly at
 10 the same location on the second Monday of April, July,
 11 September, and December.

12 (2) Other meetings of either any board may be called
 13 by the governor, by the chairman, by the secretary, or by
 14 four appointed members.

15 (3) The secretary to each board shall mail notice to
 16 each member at least 7 days in advance of all meetings of
 17 the respective board."

18 Section 14. Section 20-2-113, MCA, is amended to read:
 19 "20-2-113. Per diem of board members -- expenses.
 20 Appointed members of the board of public education, the
board of postsecondary vocational-technical education, and
 22 the board of regents are entitled to \$25 per day and travel
 23 expenses, as provided for in 2-18-501 through 2-18-503, for
 24 each day in attendance at board meetings or in the
 25 performance of any duty or service as a board member."

1 Section 15. Section 20-2-114, MCA, is amended to read:
2 "20-2-114. Adoption of rules -- seal -- record of
3 proceedings. The board of public education, the board of
4 postsecondary vocational-technical education, the board of
5 regents, and the state board of education each shall:

6 (1) adopt rules consistent with the constitution or
7 laws of the state of Montana necessary for its own
8 government or the proper execution of the powers and duties
9 conferred upon it by law;

10 (2) adopt and use an official seal to authenticate its
11 official acts; and

12 (3) keep a record of its proceedings."

13 Section 16. Section 20-3-103, MCA, is amended to read:

14 "20-3-103. Deputy superintendent -- staff. (1) The
15 state superintendent of public instruction shall appoint a
16 deputy who, in the absence of the principal or in the case
17 of vacancy in his office, shall perform all the duties of
18 office until such disability be removed or vacancy be
19 filled. Such deputy shall subscribe, take, and file the oath
20 of office provided by law for other state officers before
21 entering upon the performance of his duties.

22 (2) The superintendent of public instruction shall
23 have the power to employ, organize, and administer a staff
24 of personnel to assist him in the administration of the
25 duties and services of the office. In organizing his staff,

1 the superintendent of public instruction shall employ:
2 (a) a supervisor of physical education who is a
3 graduate of an accredited institution of higher education
4 with a master's degree in physical education;
5 (b) a professional staff for the state supervision and
6 administration of K-12 vocational education; and
7 (c) a special education supervisor who is a graduate
8 of an accredited institution of higher education with a
9 master's degree in a field of special education for the
10 mentally retarded or physically handicapped and who has not
11 less than 2 years' experience in special education."

12 Section 17. Section 20-3-104, MCA, is amended to read:
13 "20-3-104. Discretionary staff. In addition to the
14 positions of employment listed in 20-3-103, the
15 superintendent of public instruction may employ:

16 (1) one or more assistant superintendents, one of whom
17 may be designated as assistant superintendent for K-12
18 vocational education;

19 (2) a high school supervisor who is the holder of a
20 class 3 teacher certificate with a district superintendent
21 endorsement;

22 (3) an elementary supervisor who is the holder of a
23 valid teacher certificate;

24 (4) a competent person to develop economy and
25 efficiency in school transportation and to otherwise

1 supervise the transportation program;

2 (5) a music supervisor who is a graduate of an
3 accredited institution of higher education in music
4 education and who has not less than 5 years of teaching
5 experience;

6 (6) an educational media supervisor who is a graduate
7 of an accredited institution of higher education and who has
8 experience in the field of educational media; and

9 (7) any other supervisors or assistants as may be
10 required to carry out the duties of his office."

11 Section 18. Section 20-3-106, MCA, is amended to read:

12 "20-3-106. Supervision of schools -- powers and
13 duties. The superintendent of public instruction has the
14 general supervision of the public schools and districts of
15 the state, and he shall perform the following duties or acts
16 in implementing and enforcing the provisions of this title:

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

20 (2) issue, renew, or deny teacher certification and
21 emergency authorizations of employment;

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

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

1 (5) approve or disapprove the orders of a high school
2 boundary commission in accordance with the provisions of
3 20-6-311;

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

7 (7) approve or disapprove school isolation within the
8 limitations prescribed by 20-9-302;

9 (8) generally supervise the school budgeting
10 procedures prescribed by law in accordance with the
11 provisions of 20-9-102 and prescribe the school budget
12 format in accordance with the provisions of 20-9-103 and
13 20-9-506;

14 (9) establish a system of communication for
15 calculating joint district revenues in accordance with the
16 provisions of 20-9-151;

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

22 (11) generally supervise the school financial
23 administration provisions as prescribed by 20-9-201(2);

24 (12) prescribe and furnish the annual report forms to
25 enable the districts to report to the county superintendent

1 in accordance with the provisions of 20-9-213(5) and the
2 annual report forms to enable the county superintendents to
3 report to the superintendent of public instruction in
4 accordance with the provisions of 20-3-209;

5 (13) approve, disapprove, or adjust an increase of the
6 average number belonging (ANB) in accordance with the
7 provisions of 20-9-313 and 20-9-314;

8 (14) distribute state equalization aid in support of
9 the foundation program in accordance with the provisions of
10 20-9-342, 20-9-346, and 20-9-347;

11 (15) estimate the statewide equalization level for the
12 foundation program in accordance with the provisions of
13 20-9-348;

14 (16) distribute state impact aid in accordance with the
15 provisions of 20-9-304;

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

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

22 (19) request, accept, deposit, and expend federal
23 moneys in accordance with the provisions of 20-9-603(1);

24 (20) authorize the use of federal moneys for the
25 support of an interlocal cooperative agreement in accordance

1 with the provisions of 20-9-703 and 20-9-704;

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

5 (22) approve or disapprove the conduct of school on a
6 Saturday or on pupil-instruction-related days in accordance
7 with the provisions of 20-1-303 and 20-1-304;

8 (23) recommend standards of accreditation for all
9 schools to the board of public education and evaluate
10 compliance with such standards and recommend accreditation
11 status of every school to the board of public education in
12 accordance with the provisions of 20-7-101 and 20-7-102;

13 (24) collect and maintain a file of curriculum guides
14 and assist schools with instructional programs in accordance
15 with the provisions of 20-7-113 and 20-7-114;

16 (25) establish and maintain a library of visual, aural,
17 and other educational media in accordance with the
18 provisions of 20-7-201;

19 (26) license textbook dealers and initiate prosecution
20 of textbook dealers violating the law in accordance with the
21 provisions of the textbooks part of this title;

22 (27) as the governing agent and executive officer of
23 the state of Montana for K-12 vocational education, adopt
24 the policies prescribed by and in accordance with the
25 provisions of 20-7-301;

1 ~~t28)-consider--applications--for--the--designation-of-a~~
 2 ~~postsecondary-vocational-technical-center-in-accordance-with~~
 3 ~~the-provisions-of-20-7-322;~~

4 ~~t29)-establish-a-fund-for-the-handling-of-postsecondary~~
 5 ~~vocational-technical-center--fees--in--accordance--with--the~~
 6 ~~provisions-of-20-7-333;~~

7 ~~t30~~^{t28} supervise and coordinate the conduct of
 8 special education in the state in accordance with the
 9 provisions of 20-7-403;

10 ~~t31~~^{t29} administer the traffic education program in
 11 accordance with the provisions of 20-7-502;

12 ~~t32~~^{t30} administer the school food services program in
 13 accordance with the provisions of 20-10-201, 20-10-202, and
 14 20-10-203;

15 ~~t33~~^{t31} review school building plans and
 16 specifications in accordance with the provisions of
 17 20-6-622;

18 ~~t34~~^{t32} prescribe the method of identification and
 19 signals to be used by school safety patrols in accordance
 20 with the provisions of 20-1-408; and

21 ~~t35~~^{t33} perform any other duty prescribed from time to
 22 time by this title, any other act of the legislature, or the
 23 policies of the board of public education."

24 Section 19. Section 20-3-324, MCA, is amended to read:
 25 "20-3-324. Powers and duties. As prescribed elsewhere

1 in this title, the trustees of each district shall have the
 2 power and it shall be their duty to perform the following
 3 duties or acts:

4 (1) employ or dismiss a teacher, principal, or other
 5 assistant upon the recommendation of the district
 6 superintendent, the county high school principal, or other
 7 principal as the board may deem necessary, accepting or
 8 rejecting such recommendation as the trustees shall in their
 9 sole discretion determine, in accordance with the provisions
 10 of Title 20, chapter 4;

11 (2) employ and dismiss administrative personnel,
 12 clerks, secretaries, teacher aides, custodians, maintenance
 13 personnel, school bus drivers, food service personnel,
 14 nurses, and any other personnel deemed necessary to carry
 15 out the various services of the district;

16 (3) administer the attendance and tuition provisions
 17 and otherwise govern the pupils of the district in
 18 accordance with the provisions of the pupils chapter of this
 19 title;

20 (4) call, conduct, and certify the elections of the
 21 district in accordance with the provisions of the school
 22 elections chapter of this title;

23 (5) participate in the teachers' retirement system of
 24 the state of Montana in accordance with the provisions of
 25 the teachers' retirement system chapter of Title 19;

1 (6) participate in district boundary change actions in
2 accordance with the provisions of the districts chapter of
3 this title;

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

7 (8) adopt and administer the annual budget or an
8 emergency budget of the district in accordance with the
9 provisions of the school budget system part of this title;

10 (9) conduct the fiscal business of the district in
11 accordance with the provisions of the school financial
12 administration part of this title;

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

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

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

23 (13) when applicable, establish, financially
24 administer, and budget for the tuition fund, retirement
25 fund, building reserve fund, adult education fund,

1 nonoperating fund, school food services fund, miscellaneous
2 federal programs fund, building fund, housing and dormitory
3 fund, traffic education fund, and interlocal cooperative
4 agreement fund in accordance with the provisions of the
5 other school funds parts of this title;

6 (14) when applicable, administer any interlocal
7 cooperative agreement, gifts, legacies, or devises in
8 accordance with the provisions of the miscellaneous
9 financial parts of this title;

10 (15) hold in trust, acquire, and dispose of the real
11 and personal property of the district in accordance with the
12 provisions of the school sites and facilities part of this
13 title;

14 (16) operate the schools of the district in accordance
15 with the provisions of the school calendar part of this
16 title;

17 (17) establish and maintain the instructional services
18 of the schools of the district in accordance with the
19 provisions of the instructional services, textbooks, K-12
20 vocational education, and special education parts of this
21 title;

22 (18) establish and maintain the school food services of
23 the district in accordance with the provisions of the school
24 food services parts of this title;

25 (19) make such reports from time to time as the county

1 superintendent, superintendent of public instruction, and
2 board of public education may require;

3 (20) retain, when deemed advisable, a physician or
4 registered nurse to inspect the sanitary conditions of the
5 school or the general health conditions of each pupil and,
6 upon request, make available to any parent or guardian any
7 medical reports or health records maintained by the district
8 pertaining to his child;

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

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

15 (23) perform any other duty and enforce any other
16 requirements for the government of the schools prescribed by
17 this title, the policies of the board of public education,
18 or the rules of the superintendent of public instruction."

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

20 "20-6-501. Definition of various schools. As used in
21 this title, unless the context clearly indicates otherwise,
22 the term "school" means an institution for the teaching of
23 children that is established and maintained under the laws
24 of the state of Montana at public expense. The trustees of
25 any district shall designate the grade assignments for the

1 schools of the district, but for the purposes of this title
2 each school shall be known as:

3 (1) an elementary school when it comprises the work of
4 any combination of kindergarten, other preschool programs,
5 or the first eight grades or their equivalents. A middle
6 school is a school comprising the work of grades 4 through 8
7 or any combination thereof that has been accredited as a
8 middle school under the provisions of 20-7-102. When an
9 accredited junior high school or an accredited 6-year high
10 school is operated by the district, grades 7 and 8 or their
11 equivalents shall not be considered as elementary grades.

12 (2) a high school when it comprises the work of one or
13 more grades of schoolwork or their equivalents intermediate
14 between the elementary schools and the institutions of
15 higher education of the state of Montana. Types of high
16 schools shall be designated as follows:

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

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

24 (c) a 6-year high school is a school comprising the
25 work of grades 7 through 12 or their equivalents that has

1 been accredited as a 6-year high school under the provisions
 2 of 20-7-102;

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

5 (e) a county high school is a 4-year high school
 6 operated as an agency of county government and established
 7 under the provisions of the acts of March 3, 1899, March 14,
 8 1901, and any subsequent amendments thereto;

9 ~~(f) a postsecondary vocational-technical center
 10 established under the provisions of 20-7-311.~~"

11 Section 21. Section 20-7-301, MCA, is amended to read:

12 "20-7-301. Duties of the superintendent of public
 13 instruction. The superintendent of public instruction shall
 14 be the governing agent and executive officer of the state of
 15 Montana for K-12 vocational education. The superintendent of
 16 public instruction shall adopt and administer policies to
 17 effect the orderly development of a system of K-12
 18 vocational education that is adaptable to changing needs,
 19 controlled to prevent unnecessary duplication, coordinated
 20 with federal guidelines and requirements for vocational
 21 education, and funded to ensure growth and quality
 22 programming. In order to accomplish the orderly development
 23 of a system of K-12 vocational education, the superintendent
 24 of public instruction policies shall include:

25 (1) a state plan for such development;

1 (2) standards for K-12 vocational education courses
 2 and programs;

3 ~~(3) the minimum requirements for granting
 4 postsecondary vocational-technical certificates to students;~~

5 ~~(4) a review process for the establishment and
 6 deletion of programs;~~

7 ~~(5) the necessary qualifications that a postsecondary
 8 vocational-technical center director must possess;~~

9 ~~(6) instructor qualifications for K-12 vocational
 10 education courses and programs;~~

11 ~~(7) criteria for approval of K-12 vocational
 12 education courses and programs which are to receive
 13 financial assistance;~~

14 ~~(8) criteria for receiving, reviewing, and
 15 transmitting recommendations on postsecondary
 16 vocational-technical-center operations and budget requests
 17 to the legislature;~~

18 ~~(9) a basis for apportionment of all moneys
 19 appropriated by the legislature for K-12 vocational
 20 education in accordance with the intent of the legislature
 21 as reflected in the terms of the appropriation;~~

22 ~~(10) a basis for apportionment of all moneys
 23 received by the state of Montana for K-12 vocational
 24 education from the federal government in accordance with the
 25 acts of congress;~~

1 ~~(8)~~ a system of evaluation of K-12 vocational
 2 education which allows for consideration of the current and
 3 projected manpower needs and job opportunities; and
 4 ~~(12)~~-the--tuition--and--fees--to--be--charged--at--the
 5 postsecondary--vocational-technical--centers,--based--upon
 6 legislative-appropriations-available-to--the--superintendent
 7 of-public-instruction-for-postsecondary-vocational-technical
 8 centers;

9 ~~(13)~~-the--allowable--costs--for-rental-of-buildings--for
 10 postsecondary-vocational-technical-center-purposes;
 11 ~~(14)~~-guidelines-for--the--authority--delegated--by--the
 12 superintendent--of--public--instruction--to-the-local-school
 13 district--board--of--trustees--operating--a--postsecondary
 14 vocational-technical-center;--and

15 ~~(15)~~(9) any other policy not inconsistent with public
 16 law and which is necessary for the proper operation of a
 17 system of K-12 vocational education."

18 Section 22. Section 20-7-302.1, MCA, is amended to
 19 read:

20 "20-7-302.1. State director of K-12 vocational
 21 education -- duties. There is a state director of K-12
 22 vocational education appointed by the superintendent of
 23 public instruction. He must:

24 (1) administer the K-12 vocational education policies
 25 adopted by the superintendent of public instruction;

1 (2) prepare curriculum guides for superintendent of
 2 public instruction adoption;
 3 (3) employ, with the confirmation of the
 4 superintendent of public instruction, the professional staff
 5 necessary for the state supervision and administration of
 6 K-12 vocational education;
 7 (4) report the status of K-12 vocational education in
 8 the state of Montana when requested by the superintendent of
 9 public instruction;
 10 (5) keep all K-12 vocational education records in his
 11 office;
 12 (6) provide K-12 vocational education supervisory and
 13 consultative assistance to districts;
 14 ~~(7)~~--provide--a--postsecondary--vocational-technical
 15 center--system--policy--and--procedural--handbook--for
 16 institutional--operations--that--will--standardize--operations
 17 among--the--centers;
 18 ~~(8)~~--identify--and--direct--the--county--treasurer--in--those
 19 counties--where--postsecondary--vocational-technical--centers
 20 are--located--to--establish--the--necessary--multi--structures
 21 for--postsecondary--vocational-technical--center--financial
 22 operations;
 23 ~~(9)~~--meet--with--the--chairman--of--the--board--of--trustees,
 24 the--district--superintendent,--and--center--director--of--each
 25 postsecondary--vocational-technical--center--at--least--twice

1 each--year---to---discuss---recommended---changes---in---the
 2 superintendent---of---public---instruction's---policies---and
 3 procedures;

4 ~~(10)~~-formulate-and--put--into--effect--uniform--fiscal,
 5 student,--staff,--and--program--accounting--systems--for-the
 6 postsecondary-vocational-technical-centers;

7 ~~(11)~~(7) prepare any necessary reports for the
 8 superintendent of public instruction or the legislature; and
 9 ~~(12)~~-represent--the--postsecondary-vocational-technical
 10 center-system-to-state-agencies,--associations,--and--others
 11 when-appropriate;

12 ~~(13)~~-recommend-a-staffing-pattern-for-the-postsecondary
 13 vocational-technical-centers;

14 ~~(14)~~-provide---for---the--evaluation--of--programs--and
 15 services--within--each--postsecondary---vocational-technical
 16 center;

17 ~~(15)~~-provide---for--evaluation--of--each--postsecondary
 18 vocational-technical-center's-ability-to-meet-employment-and
 19 student-vocational-technical-education-needs;--and

20 ~~(16)~~(8) perform any other duty assigned by the
 21 superintendent of public instruction."

22 Section 23. Section 20-7-303, MCA, is amended to read:
 23 "20-7-303. District--authorization Authorization to
 24 establish and maintain vocational education courses and
 25 programs. The trustees of any an elementary or high school

1 district, community-college-district,or-unit-of-the-Montana
 2 university-system may establish and maintain a vocational
 3 education course or program that complies with the K-12
 4 vocational education standards adopted by the superintendent
 5 of public instruction. The trustees of a community college
 6 district or a unit of the Montana university system may
 7 establish and maintain a vocational education course or
 8 program that complies with the postsecondary
 9 vocational-technical education standards adopted by the
 10 board of postsecondary vocational-technical education. In
 11 order for a course or program to be eligible for state or
 12 federal financing, it shall be approved by the
 13 superintendent of public instruction for compliance with
 14 K-12 vocational education standards or by the board of
 15 postsecondary vocational-technical education for compliance
 16 with postsecondary vocational-technical education standards,
 17 as appropriate."

18 Section 24. Section 20-7-311, MCA, is amended to read:
 19 "20-7-311. Postsecondary vocational-technical center
 20 designation. (1) Postsecondary vocational-technical centers
 21 shall be designated by the superintendent--of--public
 22 instruction--only board of postsecondary vocational-technical
 23 education upon direction of the legislature. Applications
 24 for designation must be made in accordance with the
 25 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, data, and form
 8 requirements prescribed by the superintendent--of--public
 9 instruction board of postsecondary vocational-technical
 10 education. Applicant high school districts, county high
 11 schools, or community college districts shall be located in
 12 a county with a taxable valuation of at least \$45 million.

13 (b) Applications are to be presented to the
 14 superintendent--of--public--instruction--the--superintendent--of
 15 public--instruction board of postsecondary
 16 vocational-technical education, which shall examine the
 17 application and draft recommendations. The application,
 18 together with all recommendations, shall be presented by the
 19 superintendent--of--public--instruction board to the next
 20 following legislature.

21 (2) The superintendent--of--public--instruction board of
 22 postsecondary vocational-technical education shall recognize
 23 the presently designated postsecondary vocational-technical
 24 centers ~~operated-by-the-respective-board-of-trustees--of in~~
 25 school district number 1 of Silver Bow County, high school

1 district number 1 of Lewis and Clark County, high school
 2 district "A" of Cascade County, Missoula County high school,
 3 and high school district number 2 of Yellowstone County."

4 Section 25. Section 20-7-312, MCA, is amended to read:
 5 "20-7-312. Local administration of postsecondary
 6 vocational-technical center. (1) Subject to the requirements
 7 of the laws of the state of Montana and the policies and
 8 rules of the superintendent--of--public--instruction--as
 9 administered--by--the--state--director--of--vocational--education,
 10 the--board--of--trustees--operating--a board of postsecondary
 11 vocational-technical education, the director of a
 12 postsecondary vocational-technical center shall has
 13 administrative and supervisory control of the center and
 14 shall:

15 ~~(a) employ, from among qualified applicants, a~~
 16 postsecondary vocational-technical center director;
 17 ~~fbj(a) employ administrative personnel, faculty~~
 18 members, and employees for the postsecondary
 19 vocational-technical center according to the policies and
 20 procedures rules of the board of trustees postsecondary
 21 vocational-technical education;

22 ~~fbj(b) recommend, develop, and submit recommended~~
 23 budgets for the postsecondary vocational-technical centers;

24 ~~fbj(c) establish and collect student tuition and fees~~
 25 fbj(d) recommend to the superintendent--of--public

1 instruction---through---the--state--director--of--vocational
 2 education board of postsecondary vocational-technical
 3 education:

4 (i) proposals regarding postsecondary
 5 vocational-technical center programs, budgets, student
 6 services, and public service activities; and
 7 (ii) campus development and program plans for
 8 individual postsecondary vocational-technical center
 9 buildings;

10 ~~tf~~(e) manage buildings erected-and-equipped-on-leased
 11 grounds at the vocational-technical center;

12 ~~tf~~(f) receive and administer gifts and bequests to
 13 the postsecondary vocational-technical center according to a
 14 written plan submitted to the superintendent--of--public
 15 instruction board of postsecondary vocational-technical
education; and

16 ~~th~~(g) perform any other administrative
 17 responsibilities duties not inconsistent with law and
 18 required by the superintendent--of--public--instruction board
of postsecondary vocational-technical education.

19 (2) The board--of--trustees--operating director of a
 20 postsecondary vocational-technical center may not enter into
 21 any contract that in any way creates a debt or obligation
 22 upon the state for the improvement or construction of
 23 postsecondary vocational-technical center buildings on

1 leased-property."

2 Section 26. Section 20-7-314, MCA, is amended to read:
 3 "20-7-314. Lease or purchase of state property for
 4 postsecondary vocational-technical center purposes. (1) The
 5 state of Montana, acting by-and through the superintendent
of-public-instruction; is hereby empowered-and-authorized-to
 7 enter-into-a board of postsecondary vocational-technical
education, may lease agreement for a term not to exceed 40
 9 years in--order--to--lease--to--a--district--operating--a
 10 postsecondary--vocational-technical--center any building or
 11 lands owned-by-the-state-and-financed-in-whole-or-in-part-by
 12 an-appropriation-made-by-the-legislature--of--the--state--of
 13 Montana for the--purpose--of--supporting--the-district's a
 14 postsecondary vocational-technical center. The-consideration
 15 necessary-to-support-such-a-lease-may-be-nominal.

16 (2) The superintendent--of--public--instruction is hereby
 17 authorized-to-transfer-or-direct-transfer-of-title--held--by
 18 the-state-of-Montana-in-buildings-or-lands-financed-in-whole
 19 or-in-part-by-an-appropriation-by-the-state-legislature-to-a
 20 district--operating--a--postsecondary--vocational-technical
 21 center;--at-any-time-the-superintendent--of--public--instruction
 22 deems-such-transfer-to-be-in-the-best-interests-of-both--the
 23 state--and--the--district--involved;--provided--that--this
 24 authorization-extends-only-to-buildings-or-lands--which--are
 25 to----be----used---by---the---district---for---postsecondary

1 vocational-technical--education--purposes. The state of
 2 Montana, acting through the board of postsecondary
 3 vocational-technical education and on demand of a school
 4 district, shall lease or purchase the equity or interest of
 5 the school district in any building, land, or other property
 6 at a postsecondary vocational-technical center on terms
 7 agreed to between the board of postsecondary
 8 vocational-technical education and the school district. A
 9 purchase may be by lump-sum payment, time payments, the
 10 assumption of bonded indebtedness, or any other mutually
 11 agreeable method. Money received by a school district from
 12 the lease or sale under this subsection (2) of the school
 13 district's equity or interest in a building, land, or other
 14 property must be credited to the debt service fund, building
 15 fund, general fund, or any combination of these funds, at
 16 the discretion of the trustees of the school district."

17 Section 27. Section 20-7-322, MCA, is amended to read:
 18 "20-7-322. State treasurer custodian of vocational
 19 education moneys money. (1) The treasurer of the state of
 20 Montana is hereby designated as the custodian of all federal
 21 and state moneys money designated, appropriated, or
 22 apportioned for vocational education. All moneys money
 23 received from any federal or state source for the
 24 establishment, operation, or furtherance of vocational
 25 education in the state shall be deposited with the state

1 treasurer. At the direction of the superintendent of public
 2 instruction, he shall disburse all moneys-appropriated-or
 3 money received for K-12 vocational education. At the
 4 direction of the board of postsecondary vocational-technical
 5 education, he shall disburse all money received for
 6 postsecondary vocational-technical education.

7 (2) The state treasurer is the treasurer for all
 8 postsecondary vocational-technical centers, and all money
 9 received by postsecondary vocational-technical centers from
 10 any source shall be deposited in the state treasury pursuant
 11 to 17-6-105, unless the source of the money specifies
 12 deposit somewhere other than in the state treasury."

13 Section 28. Section 20-7-323, MCA, is amended to read:
 14 "20-7-323. Program and budget categories for
 15 postsecondary vocational-technical education centers. (1)
 16 The superintendent-of-public-instruction-shall-have board of
 17 postsecondary vocational-technical education has the sole
 18 authority for the approval of the postsecondary
 19 vocational-technical education programs and their budgets.
 20 Such The programs and budgets shall must be placed into
 21 three categories defined as:

22 (a) maintenance and operation, which shall must
 23 include programs and costs for instruction; vocational
 24 guidance and counseling; job placement; travel of pupils and
 25 personnel while engaged in a program; acquisition,

1 maintenance, and repair of equipment; and the rental of
 2 necessary emergency facilities for not more than 1 year;

3 (b) construction, which ~~shall~~ must include the program
 4 and cost for construction of new buildings; acquisition,
 5 expansion, remodeling, and alteration of existing buildings;
 6 site acquisition and improvements; architectural fees; and
 7 the purchase of initial equipment;

8 (c) ancillary services, which ~~shall~~ must include the
 9 program and cost for the services and activities necessary
 10 to assure quality in the postsecondary vocational-technical
 11 center's instruction, such as supervision and administration
 12 of the center, program evaluation, special demonstration and
 13 experimental programs, and development of instructional
 14 materials and curriculum.

15 (2) The ~~trustees-of-the-designated-district--or--other~~
 16 ~~governing--board--where--the~~ director of each postsecondary
 17 vocational-technical center ~~is-located~~ shall submit program
 18 proposals and the related budgets on the basis of these
 19 categories and in accordance with the program and budget
 20 approval procedure prescribed by the ~~superintendent--of~~
 21 ~~public-----instruction~~ board of postsecondary
 22 vocational-technical education."

23 Section 29. Section 20-7-324, MCA, is amended to read:
 24 "20-7-324. Sources of financing for postsecondary
 25 vocational-technical center budgets -- ~~superintendent--of~~

1 public-instruction-administration distribution of funds. (1)
 2 The total of the postsecondary vocational-technical center
 3 budgets approved by the superintendent-of-public-instruction
 4 board of postsecondary vocational-technical education,
 5 together with the budget for the cost of state
 6 administration of the postsecondary vocational-technical
 7 centers, shall constitute the total maximum approved
 8 statewide budget, which shall be financed as follows:

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

13 (b) The board of county commissioners of each county
 14 must levy a tax of 2 mills on the dollar of all taxable real
 15 and personal property within the county for the support and
 16 maintenance of the postsecondary vocational-technical center
 17 education system.

18 ~~fbt(c) The In addition to the tax required by~~
 19 subsection (1)(b), the board of county commissioners of each
 20 county in which a designated postsecondary
 21 vocational-technical center is located is-heretofore-authorized
 22 to may levy a tax of not to exceed 1-1/4-mills-for--calendar
 23 year--1979-and-1-1/2-mills-thereafter 1/2 mill on the dollar
 24 of all taxable property, real and personal, within the
 25 county for the support and maintenance of the postsecondary

1 vocational-technical center located within the county. This
 2 tax revenue must be used to fund center programs chosen by
 3 the board of county commissioners. The board may use this
 4 revenue to match federal, state, or private money for center
 5 programs fostering economic development.

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

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

22 ~~(i)~~--the--sale--of--bonds--issued--by--that--district--such
 23 bonds--shall--be--issued--in--conformity--with--the--requirements--of
 24 chapter--97--part--47--of--this--title--in--the--case--of--high--school
 25 and--county--high--school--district);

1 ~~(iii)~~--any--other--funds--available--to--that--district--which
 2 may--be--legally--and--properly--applied--toward--such
 3 construction;
 4 ~~(iii)~~--the--reasonable--value--of--land;--buildings;
 5 fixtures;--or--equipment--furnished--by--that--district;--subject
 6 to--the--approval--of--the--superintendent--of--public--instruction.
 7 (2) The superintendent--of--public--instruction board of
 8 postsecondary vocational-technical education shall direct
 9 the distribution of the funds specified in subsections
 10 (1)(a), (1)(b), and (1)(c)~~(d)~~ on the basis of the budgets
 11 approved by the superintendent--of--public--instruction board
 12 of postsecondary vocational-technical education. The funds
 13 earned by the mill levy specified in subsection (1)~~b~~(c)
 14 shall be credited by the county treasurer to the
 15 postsecondary vocational-technical center fund.

16 ~~(3)~~--The--superintendent--of--public--instruction--shall
 17 determine--the--amount--of--financing--available--from--these--four
 18 sources--of--revenue--and--may--approve--budgets--for--maintenance
 19 and--operation;--construction;--and--ancillary--services;--The
 20 aggregate--amount--of--the--budgets--so--approved--by--the
 21 superintendent--of--public--instruction--for--postsecondary
 22 vocational-technical--centers--shall--not--exceed--the--moneys
 23 determined--to--be--available."

24 Section 30. Section 20-7-325, MCA, is amended to read:
 25 "20-7-325. Postsecondary vocational-technical center

1 funding -- nongeneral fund money expended first -- reversion
 2 of general fund money. (1) Whenever an approved
 3 postsecondary vocational-technical center under the
 4 provisions of 20-7-311 is operated within a district, the
 5 trustees--of---such---district board of postsecondary
vocational-technical education shall request the
 7 establishment of the appropriate accounts in the state
 8 treasury. These accounts shall be established in the
 9 appropriate state treasury funds as determined by the
 10 department of administration. All money prescribed and
 11 received under the provisions of 20-7-324(1)(a), (1)(b), and
 12 (1)(d) shall be credited to these accounts. The expenditure
 13 of the money deposited in the state treasury shall be made
 14 in accordance with procedures established by the department
 15 of administration. Such expenditures shall be made under the
 16 budget and for the programs approved by the superintendent
of---public---instruction board of postsecondary
vocational-technical education under the provisions of
 19 20-7-323 and the financial administration provisions of this
 20 title.

21 (2) A postsecondary vocational-technical center shall
 22 apply expenditures against nongeneral fund money wherever
 23 possible before using state general fund appropriations. All
 24 state general fund money appropriated or disbursed to a
 25 postsecondary vocational-technical center which are

1 unexpended at fiscal year end shall revert to the state
 2 general fund.

3 {3}--The-----approval-----of-----the-----postsecondary
 4 vocational-technical-center-budget-and--subsequent--revision
 5 or--amendment-of-such-budget-by-the-superintendent-of-public
 6 instruction-shall-constitute-the-final-budget-approval--
 7 t4}(3) Whenever the county tax prescribed in
 8 20-7-324(1){b}{c} is to be used in support of the
 9 postsecondary vocational-technical center, the county
 10 commissioners are authorized to levy such tax on the county
 11 in accordance with the provisions of 20-9-142."

12 Section 31. Section 20-7-327, MCA, is amended to read:
 13 "20-7-327. Source of financing for postsecondary
 14 vocational-technical center facility maintenance. The source
 15 of funds for maintenance, remodeling, and renovation of
 16 postsecondary vocational-technical center facilities may be
 17 either local funds, federal funds, or state funds
 18 specifically appropriated by the legislature and approved by
 19 the superintendent--of---public---instruction board of
postsecondary vocational-technical education, or any
 21 combination of these funds."

22 Section 32. Section 20-7-332, MCA, is amended to read:
 23 "20-7-332. Tuition rates. (1) Tuition may be charged
 24 to any resident or nonresident of the state of Montana by
 25 the governing---board director of any postsecondary

1 vocational-technical center at rates to be determined by the
 2 superintendent--of--public--instruction board of postsecondary
 3 vocational-technical education. The superintendent--of--public
 4 instruction board of postsecondary vocational-technical
 5 education shall also prescribe permissible uses for any
 6 tuition authorized.

7 (2) For the purposes of this section the eligibility
 8 of a student for resident status shall be determined in the
 9 same manner as that prescribed for use by the Montana
 10 university system, except that those provisions referring to
 11 "high school graduates" or "graduation from high school"
 12 shall be considered to refer to a person who has attended
 13 school or who was in attendance at a school."

14 Section 33. Section 20-7-333, MCA, is amended to read:
 15 "20-7-333. Pupil Student fees and disposition of
 16 collected fees. (1) Fees for the use of equipment and
 17 material used in instruction may be charged by the trustees
 18 or--other--governing--board director of the postsecondary
 19 vocational-technical center. The superintendent--of--public
 20 instruction board of postsecondary vocational-technical
 21 education shall prescribe the basis bases and limitations
 22 for the charging of such fees.

23 (2) Fees collected by the postsecondary
 24 vocational-technical center shall be deposited with the
 25 state treasurer in the fund designated by the superintendent

1 of----public----instruction board of postsecondary
 2 vocational-technical education for the receipt of such fees.
 3 The expenditure of the fees shall not be subject to budget
 4 limitations and shall be in addition to the program budgets
 5 approved by the superintendent--of--public--instruction board
 6 of postsecondary vocational-technical education."

7 Section 34. Section 20-9-403, MCA, is amended to read:
 8 "20-9-403. Bond issues for certain purposes. (1) The
 9 trustees of a school district may issue and negotiate bonds
 10 on the credit of the school district for the purpose of:
 11 (a) building, altering, repairing, buying, furnishing,
 12 equipping, purchasing lands for, and/or obtaining a water
 13 supply for a school, teacherage, dormitory, gymnasium, other
 14 building, or combination of said buildings for school
 15 purposes;--including--postsecondary--vocational-technical
 16 centers-in-the-school-district;
 17 (b) buying a school bus or buses;
 18 (c) providing the necessary money to redeem matured
 19 bonds, maturing bonds, or coupons appurtenant to bonds when
 20 there is not sufficient money to redeem them;
 21 (d) providing the necessary money to redeem optional
 22 or redeemable bonds when it is for the best interest of the
 23 school district to issue refunding bonds; or
 24 (e) funding a judgment against the district.
 25 (2) Any money realized from the sale of any bonds

1 issued on the credit of a high school district shall not be
 2 used for any of the above purposes in an elementary school
 3 district, and such money may be used for any of the above
 4 purposes for a junior high school but only to the extent
 5 that the 9th grade of the high school is served thereby."

6 Section 35. Section 20-9-513, MCA, is amended to read:

7 "20-9-513. Postsecondary vocational-technical center
 8 and adult basic education programs account established.
 9 There is within the state special revenue fund a
 10 postsecondary vocational-technical center and adult basic
 11 education account. Money is paid into the account under
 12 90-6-211. The state treasurer shall draw warrants payable
 13 from this account upon order of the superintendent of public
 14 instruction or the board of postsecondary
vocational-technical education up to the amount provided for
each under 90-6-211 by the biennium budget passed by the
legislature."

18 Section 36. Section 20-9-603, MCA, is amended to read:

19 "20-9-603. Acceptance and expenditure of federal
 20 moneys for state. (1) (a) The governor and the
 21 superintendent of public instruction are authorized on
 22 behalf of the state of Montana to request and accept such
 23 moneys as are now or will be made available under any act of
 24 congress of the United States or otherwise for purposes of
 25 public school building construction or for any other

1 purposes of public schools and public education as permitted
 2 under the laws of the state of Montana and as authorized by
 3 the grants from the federal government. Such moneys shall be
 4 deposited by the governor and superintendent of public
 5 instruction in the state treasury and are appropriated and
 6 made available to the superintendent of public instruction.
 7 All such moneys shall be expended for the purpose of public
 8 school building construction or for any other purposes of
 9 public schools and public education as permitted under the
 10 laws of the state of Montana and as authorized by the grants
 11 from the federal government.

12 f2)(b) The governor and superintendent of public
 13 instruction are further authorized on behalf of the state of
 14 Montana to accept moneys provided from federal sources for
 15 the express purpose of distribution to nonpublic education.
 16 Such moneys shall be deposited by the governor and
 17 superintendent of public instruction in the state treasury
 18 and are appropriated and made available to the
 19 superintendent of public instruction. All such moneys shall
 20 be distributed in the manner provided by the laws of the
 21 state of Montana and as authorized or expressed by grants
 22 from the federal government.

23 f3)(c) All expenditures of moneys from federal sources
 24 under this section subsection (1) shall be made under the
 25 supervision and in the discretion of the superintendent of

1 public instruction. Any balance in the account in which such
 2 moneys are maintained shall not lapse at any time but shall
 3 be continuously available to the superintendent of public
 4 instruction for expenditures consistent with this title and
 5 acts of the federal government.

6 (2) (a) The governor and the board of postsecondary
 7 vocational-technical education are authorized on behalf of
 8 the state of Montana to request and accept such moneys as
 9 are now or will be made available under any act of congress
 10 of the United States or otherwise for purposes of
 11 postsecondary vocational-technical education building
 12 construction or for any other purposes of postsecondary
 13 vocational-technical education as permitted under the laws
 14 of the state of Montana and as authorized by the grants from
 15 the federal government. Such moneys shall be deposited by
 16 the governor and the board of postsecondary
 17 vocational-technical education in the state treasury and are
 18 appropriated and made available to the board of
 19 postsecondary vocational-technical education. All such
 20 moneys shall be expended for the purpose of postsecondary
 21 vocational-technical education building construction or for
 22 any other purposes of postsecondary vocational-technical
 23 education as permitted under the laws of the state of
 24 Montana and as authorized by the grants from the federal
 25 government.

1 (b) The governor and the board of postsecondary
 2 vocational-technical education are further authorized on
 3 behalf of the state of Montana to accept moneys provided
 4 from federal sources for the express purpose of distribution
 5 to nonpublic postsecondary vocational-technical education.
 6 Such moneys shall be deposited by the governor and the board
 7 of postsecondary vocational-technical education in the state
 8 treasury and are appropriated and made available to the
 9 board of postsecondary vocational-technical education. All
 10 such moneys shall be distributed in the manner provided by
 11 the laws of the state of Montana and as authorized or
 12 expressed by grants from the federal government.

13 (c) All expenditures of moneys from federal sources
 14 under this subsection (2) shall be made under the
 15 supervision and in the discretion of the board of
 16 postsecondary vocational-technical education. Any balance in
 17 the account in which such moneys are maintained shall not
 18 lapse at any time but shall be continuously available to the
 19 board of postsecondary vocational-technical education for
 20 expenditures consistent with this title and acts of the
 21 federal government."

22 Section 37. Section 39-71-118, MCA, is amended to
 23 read:
 24 "39-71-118. Employee, worker, and workman defined. (1)
 25 The terms "employee", "workman", or "worker" mean:

1 (a) each person in this state, including a contractor
 2 other than an independent contractor, who is in the service
 3 of an employer, as defined by 39-71-117, under any
 4 appointment or contract of hire, expressed or implied, oral
 5 or written. The terms include aliens and minors, whether
 6 lawfully or unlawfully employed, and all of the elected and
 7 appointed paid public officers and officers and members of
 8 boards of directors of quasi-public or private corporations
 9 while rendering actual service for such corporations for
 10 pay. Casual employees as defined by 39-71-116(3) are
 11 included as employees if they are not otherwise covered by
 12 workers' compensation and if an employer has elected to be
 13 bound by the provisions of the compensation law for these
 14 casual employments, as provided in 39-71-401(2). Household
 15 or domestic service is excluded.

16 (b) a recipient of general relief who is performing
 17 work for a county of this state under the provisions of
 18 53-3-302 through 53-3-305 and any juvenile performing work
 19 under authorization of a district court judge in a
 20 delinquency prevention or rehabilitation program;

21 (c) a person receiving on-the-job vocational
 22 rehabilitation training or other on-the-job training under a
 23 state or federal vocational training program, whether or not
 24 under an appointment or contract of hire with an employer as
 25 defined in this chapter and whether or not receiving payment

1 from a third party. However, this subsection does not apply
 2 to students enrolled in vocational training programs as
 3 outlined above while they are on the premises of a public
 4 school or community college; or
 5 (d) students enrolled and in attendance in programs of
 6 vocational-technical vocational-technical education approved
 7 by--the--state--board--of--public--education at designated
 8 postsecondary vocational--technical vocational-technical
 9 centers.

10 (2) If the employer is a partnership or sole
 11 proprietorship, such employer may elect to include as an
 12 employee within the provisions of this chapter any member of
 13 such partnership or the owner of the sole proprietorship
 14 devoting full time to the partnership or proprietorship
 15 business. In the event of such election, the employer must
 16 serve upon the employer's insurer written notice naming the
 17 partners or sole proprietor to be covered, and no partner or
 18 sole proprietor shall be deemed an employee within this
 19 chapter until such notice has been given. For premium
 20 ratemaking and for the determination of weekly wage for
 21 weekly compensation benefits, the insurance carrier shall
 22 assume a salary or wage of such electing employee to be not
 23 less than \$900 a month and not more than 1 1/2 times the
 24 average weekly wage as defined in this chapter."

25 Section 38. Section 90-6-211, MCA, is amended to read:

1 "90-6-211. Disposition of interest from unexpended
 2 balance. The unexpended balance in the local impact and
 3 education trust fund account shall be invested as provided
 4 by statute by the board of investments. Of the income from
 5 such investments each year 10% shall be paid into the state
 6 special revenue fund for use by the superintendent of public
 7 instruction for purposes of ~~the---postsecondary~~
 8 ~~vocational-technical--centers--and~~ adult basic education
 9 programs in the state, ~~subject-to-the-budgeting-authority-of~~
 10 ~~the legislature and for use by the board of postsecondary~~
 11 ~~vocational-technical~~ education for postsecondary
 12 ~~vocational-technical center~~ education programs in the state,
 13 as provided in the biennium budget passed by the
 14 legislature. Within the account under 20-9-513, the revenue
 15 is shared between the postsecondary vocational-technical
 16 centers and the adult basic education programs as provided
 17 in the biennium budget passed by the legislature. Of the
 18 remaining 90% of the income from such investments,
 19 three-fourths shall be annually paid into the state special
 20 revenue fund for state equalization aid to public schools of
 21 the state and one-fourth each year shall be paid to the
 22 board of regents of higher education for use by the
 23 institutions of higher learning in the state, subject to the
 24 budgeting authority of the legislature. Except as provided
 25 in 90-6-205(4), the principal of the local impact and

1 educational trust fund shall be dedicated to education and
 2 forever remain inviolate and sacred to this purpose as
 3 provided in sections 3 and 10 of Article X of the Montana
 4 constitution."

5 NEW SECTION. Section 39. Repealer. Sections 20-7-326,
 6 20-9-404, and 20-9-405, MCA, are repealed.

7 NEW SECTION. Section 40. Initial appointment and
 8 terms of members of board of postsecondary
 9 vocational-technical education. Initial appointments to the
 10 board of postsecondary vocational-technical education must
 11 be made within 30 days after [the effective date of this
 12 section]. Two initial appointees shall serve for 4 years,
 13 two shall serve for 5 years, two shall serve for 6 years,
 14 and one shall serve for 7 years.

15 NEW SECTION. Section 41. Codification instruction.
 16 Sections 2 through 6 are intended to be codified as an
 17 integral part of Title 20, chapter 7, part 3, and the
 18 provisions of Title 20 apply to sections 2 through 6.

19 NEW SECTION. Section 42. Effective date. This act is
 20 effective July 1, 1985, except that section 40 is effective
 21 on passage and approval of this act.

-End-

STATE OF MONTANA
F I S C A L N O T E

REQUEST NO. FNN 050-85

Form BD-15

In compliance with a written request received January 10, 1985, there is hereby submitted a Fiscal Note for H. B. 18 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An Act Establishing A State Board Allocated To The Board Of Regents To Govern Postsecondary Vocational-Technical Centers; And Abolishing Local Control.

ASSUMPTIONS:

David L. Hunter
BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Jan 16, 1985

FISCAL IMPACT:

Revenue:

Millage

Current 1½ mills	\$ 857,800	\$ 873,668
Proposed	-0-	-0-
Decrease	<u>(\$ 857,800)</u>	<u>(\$ 873,668)</u>

Voted Current

Proposed	\$1,227,907	\$1,227,907
Decrease	-0-	-0-

2 mills statewide

Current	\$4,817,806	\$4,991,590
Increase	-0-	-0-

**Net Affect on
Millage Revenue
(Increase)**

<u>\$2,732,099</u>	<u>\$2,890,015</u>
--------------------	--------------------

Expenditures:

Board Operations

Current	\$ -0-	\$ -0-
Proposed	<u>304,340</u>	<u>298,233</u>
Increase	<u>\$ 304,340</u>	<u>\$ 298,233</u>

**Assumption of
Current voted levy costs**

<u>\$ 1,227,907</u>	<u>\$ 1,227,907</u>
---------------------	---------------------

Potential Lease Costs

<u>\$ 2,445,180</u>	<u>\$ 2,445,180</u>
---------------------	---------------------

Total Cost Increase

<u>\$ 3,977,427</u>	<u>\$ 3,971,320</u>
---------------------	---------------------

**Net Cost to the General Fund
for Vo-Tech Operations**

<u>\$ 1,245,328</u>	<u>\$ 1,081,305</u>
---------------------	---------------------

Any change in the lease amount would directly increase or decrease the General Fund cost.

In addition, local salary negotiations, if substantially higher than the state, may require supplemental funding for the continued operations of the various Vo-Tech programs.

LOCAL IMPACT:

Increased revenue due to lease or sale of Vo-Tech property to the State.

The proposed bill also allows a 1/2 mill discretionary county levy for special programs deemed appropriate by the county commissioners. This 1/2 mill has the potential of raising \$285,933 in FY 1986 and \$291,223 in FY 1987 for these special programs.

Eliminates local voted levies for Vo-Tech Center operations.

Establishes a 2 mill statewide mandatory levy for vo-tech operations.

LONG TERM IMPACT:

The state may be required in the future to purchase all vo-tech property from the local school districts.

The linkage between local salary negotiations and Vo-Tech salaries will expire in FY 1988.

TECHNICAL NOTES:

Section 26. Section 20-7-314 MCA, (2) appears to authorize the board of postsecondary vocational-technical education to assume bonded indebtedness. This may conflict with Article VIII, Section 8 of the Montana Constitution.

STATE OF MONTANA
F I S C A L N O T E

Revised
REQUEST NO. FNN 050-85

Form BD-15

In compliance with a written request received January 10, 1985, there is hereby submitted a Fiscal Note for H. B. 18 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An Act Establishing A State Board Allocated To The Board Of Regents To Govern Postsecondary Vocational-Technical Institutes; And Abolishing Local Control.

ASSUMPTIONS:

David L Hunter

BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 20, 1985

REVISED HB 18

FISCAL IMPACT:

	<u>FY 86</u>	<u>FY 87</u>
Revenue:		
Millage		
Current 1½ mills	\$ 857,800	\$ 873,668
Proposed	<u>\$ 857,800</u>	<u>-0-</u>
Decrease	<u>-0-</u>	<u>(\$ 873,668)</u>
 Net Affect on Millage Revenue	<u>-0-</u>	<u>(\$ 873,668)</u>
 Expenditures:		
Board Operations		
Current	\$ <u>-0-</u>	\$ <u>-0-</u>
Proposed	<u>304,340</u>	<u>298,233</u>
Increase	<u>\$ 304,340</u>	<u>\$ 298,233</u>
 Assumption of Current voted levy costs	<u>\$ -0-</u>	<u>\$ 1,568,927</u>
 Potential Lease Costs	<u>\$ -0-</u>	<u>\$ 2,445,180*</u>
 Total Cost Increase	<u>\$ 304,340</u>	<u>\$ 4,312,340</u>
 Net Cost to the General Fund for Vo-Tech Operations	<u>\$ 304,340</u>	<u>\$ 5,186,008</u>

*If state purchased space is factored out of the potential lease cost, this number would decrease \$802,020. This in turn would reduce the General Fund required by a like amount.

Any change in the lease amount would directly increase or decrease the General Fund cost.

In addition, local salary negotiations, if substantially higher than the state in FY1986, may require supplemental funding for the continued operations of the various Vo-Tech programs in FY1987.

LOCAL IMPACT:

Increased revenue due to lease or sale of Vo-Tech property to the State.

Eliminates local voted levies and county levies for Vo-Tech Institute operations in FY1987.

LONG TERM IMPACT:

The state may be required in the future to purchase all vo-tech property from the local school districts.

TECHNICAL NOTES:

Section 25. Section 20-7-314 MCA, (2) appears to authorize the board of postsecondary vocational-technical education to assume bonded indebtedness. This may conflict with Article VIII, Section 8 of the Montana Constitution.

APPROVED BY COMM. ON EDUCATION
AND CULTURAL RESOURCES

1 STATEMENT OF INTENT

2 HOUSE BILL 18

3 House Education and Cultural Resources Committee

4

5 Section 3 of the bill requires the board of
6 vocational-technical institutes to adopt rules implementing
7 its powers and duties. The legislature intends these rules
8 to encompass the full range of board powers and duties, and
9 particularly those set out in section 3 of the bill which is
10 effective on passage and approval. The legislature intends
11 that the board begin the process of adopting rules and
12 policies prior to the July 1, 1986, effective date for
13 implementation of the remainder of the act.

14 The board should study the office of public
15 instruction's postsecondary vocational-technical education
16 rules, which are superseded by this act, since those rules
17 may give the board guidance.

SECOND READING

HB 18



HOUSE BILL NO. 18

INTRODUCED BY DONALDSON, EUDAILY, BRANDEWIE, GRADY,

M. WILLIAMS, J. HAMMOND, SCHYE, JACK MOORE, MILES, HARPER

5 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A STATE
6 BOARD ALLOCATED TO THE BOARD OF REGENTS TO GOVERN
7 POSTSECONDARY VOCATIONAL-TECHNICAL CENTERS; RENAMING
8 POSTSECONDARY VOCATIONAL-TECHNICAL CENTERS AS
9 VOCATIONAL-TECHNICAL INSTITUTES; ABOLISHING LOCAL CONTROL;
10 AMENDING SECTIONS 2-18-103, 19-4-302, 20-1-101, 20-2-101,
11 20-2-111 THROUGH 20-2-114, 20-3-103, 20-3-104, 20-3-106,
12 20-3-324, 20-6-501, 20-7-301, 20-7-302.1, 20-7-303,
13 20-7-311, 20-7-312, 20-7-314, 20-7-322, THROUGH 20-7-324,
14 20-7-325, 20-7-327, 20-7-332, 20-7-333, 20-9-403, 20-9-513,
15 20-9-603, 20-25-701, 39-71-118, AND 90-6-211, MCA; REPEALING
16 SECTIONS 20-7-323, 20-7-326, 20-9-404, AND 20-9-405, MCA;
17 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE FOR CREATION AND
18 CERTAIN DUTIES OF THE STATE BOARD AND PROVIDING A JULY 1,
19 1986, EFFECTIVE DATE FOR IMPLEMENTATION OF THE REMAINING
20 PARTS OF THE ACT."

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

(Refer to Introduced Bill)

24 Strike everything after the enacting clause and insert:

NEW SECTION. Section 1. Board of vocational-technical

1 institutes. (1) There is a board of vocational-technical
2 institutes consisting of seven persons appointed by and
3 serving at the pleasure of the governor. After initial
4 appointments, each board member must be appointed to a
5 7-year term of office and the terms must be staggered. The
6 governor must ensure that business and industrial interests
7 are represented by the board and must ensure geographic
8 distribution of appointees.

19 NEW SECTION. Section 2. Sole state agency for federal
20 vocational education requirements. The board of regents is
21 the sole state agency for purposes of the 1984 federal
22 vocational education act, which requires a state
23 participating in programs under that act to designate a
24 state board or agency as the sole state agency responsible
25 for administration or supervision of the administration of



1 those programs.

2 NEW SECTION. Section 3. Powers and duties of board of
3 vocational-technical institutes. (1) The board of
4 vocational-technical institutes has general administrative
5 and supervisory control over the vocational-technical
6 institutes and shall:

7 (a) establish and when necessary amend a plan for the
8 orderly development of postsecondary vocational-technical
9 education offered at the vocational-technical institutes
10 that is consistent with federal and state law, controlled to
11 prevent unnecessary duplication, and funded to ensure
12 necessary growth and quality education;

13 (b) adopt standards for postsecondary
14 vocational-technical education courses and programs;

15 (c) implement a review process, which may include
16 appointment of a local advisory board for each institute,
17 for establishing and deleting programs and courses that
18 recognizes the present and future needs of employers and
19 provides qualified graduates for positions for which there
20 is or may in the near future be a demand;

21 (d) establish student entrance and graduation
22 requirements;

23 (e) appoint a director, to serve at the pleasure of
24 the board, for each vocational-technical institute and
25 establish minimum qualifications for faculty and minimum

1 qualifications for directors, administrative staff, and
2 other personnel;
3 (f) appoint a commissioner of vocational-technical
4 education, to serve at the pleasure of the board;
5 (g) establish student tuition and prescribe the bases
6 and limitations for charging of fees, taking into account
7 funding available from all other sources;
8 (h) determine the amount to be paid for the lease or
9 purchase of buildings;
10 (i) adopt budget requests for the vocational-technical
11 institute system;
12 (j) establish a procedure by which students can
13 receive part of their education and training through
14 programs, courses, and on-the-job training offered by the
15 private sector and not available at the institutes;
16 (k) establish a procedure by which qualified persons
17 in the private sector can participate in the training and
18 teaching of students in the institutes' classrooms when such
19 persons have training, knowledge, and skills not available
20 through the institutes' faculty;
21 (l) provide means by which the institutes' faculty can
22 obtain advanced education and training in new areas and
23 either be reimbursed for their expenses or raised to a
24 higher salary level, or both;
25 (m) establish for the various institutes uniform

1 policies for recordkeeping; financial transactions;
2 accounting; maintenance; recruiting, guidance, and placement
3 of students; examinations; personnel relations; and other
4 matters as determined by the board;

5 (n) negotiate with the bargaining representative for
6 the personnel of each institute or the personnel of the
7 institutes in a manner consistent with state and federal
8 law;

9 (o) work with other institutions of postsecondary
10 education for articulation between those institutions and
11 the vocational-technical institutes;

12 (p) adopt rules, not inconsistent with the
13 constitution and the laws of the state, which are proper and
14 necessary in the execution of the powers and duties
15 conferred upon it by law.

16 (2) Rules proposed for adoption must be submitted to
17 the board of regents for its comments and suggestions prior
18 to publication of the notice of intent to adopt the rules.
19 The board of regents may at any time submit to the board of
20 vocational-technical institutes recommendations for changes
21 in rules and policies.

22 NEW SECTION. Section 4. Duties of the commissioner of
23 vocational-technical institutes. The commissioner of
24 vocational-technical institutes shall, under the rules and
25 policies of the board of vocational-technical institutes:

1 (1) be the chief administrative officer for the board
2 of vocational-technical institutes for the administration of
3 its vocational-technical institute rules and policies;

4 (2) employ, within the limits of any legislative
5 appropriation and with the confirmation of the board of
6 vocational-technical institutes, the staff necessary for the
7 state supervision and administration of the board's
8 vocational-technical institute rules and policies;

9 (3) provide supervisory and consultative assistance to
10 institutes;

11 (4) report the status of postsecondary
12 vocational-technical education offered at the
13 vocational-technical institutes in the state of Montana when
14 requested by the board of vocational-technical institutes;

15 (5) keep all board of vocational-technical institutes
16 records in his office; and

17 (6) perform any other duties assigned by the board of
18 vocational-technical institutes.

19 NEW SECTION. Section 5. Employment of
20 vocational-technical institute personnel. (1) Persons may be
21 employed by vocational-technical institutes through any one
22 or more processes chosen by the board of
23 vocational-technical institutes. Different employment
24 processes may be used for different levels or types of
25 personnel.

1 (2) The board shall, when required to do so, negotiate
 2 with the bargaining representative for the personnel of each
 3 institute or the personnel of the institutes regarding
 4 wages, hours, benefits, and other conditions of employment
 5 in a manner consistent with state and federal law.

6 NEW SECTION. Section 6. Existing institute employees.
 7 (1) The rights of persons employed by an institute under a
 8 collective bargaining agreement in effect prior to July 1,
 9 1986, may not be impaired.

10 (2) Following [the effective date of this section],
 11 the employees of any institute may apply to the board of
 12 personnel appeals for determination of the appropriate
 13 bargaining unit or units for the purposes of collective
 14 bargaining for a contract or contracts to be negotiated
 15 prior to July 1, 1986.

16 (3) A person employed by an institute under a school
 17 district on June 30, 1986, becomes an employee of the board
 18 of vocational-technical institutes on July 1, 1986.

19 (4) If a person is employed by an institute in any
 20 capacity on July 1, 1986, and has accumulated sick,
 21 vacation, or other leave with a school district, such leave
 22 shall be transferred fully regardless of the length of
 23 employment with the district in which the institute is
 24 located. Prior to July 1, 1986, the board of
 25 vocational-technical institutes shall negotiate the

1 assumption of accumulated leave liability with the district.
 2 Section 7. Section 2-18-103, MCA, is amended to read:
 3 "2-18-103. Officers and employees excepted. Parts 1
 4 and 2 do not apply to the following positions in state
 5 government:

6 (1) elected officials;
 7 (2) county assessors and their chief deputy;
 8 (3) officers and employees of the legislative branch;
 9 (4) judges and employees of the judicial branch;
 10 (5) members of boards and commissions appointed by the
 11 governor, appointed by the legislature, or appointed by
 12 other elected state officials;
 13 (6) officers or members of the militia;
 14 (7) agency heads appointed by the governor;
 15 (8) academic and professional administrative personnel
 16 with individual contracts under the authority of the board
 17 of regents of higher education or the board of
 18 vocational-technical institutes;
 19 (9) academic and professional administrative personnel
 20 and live-in houseparents who have entered into individual
 21 contracts with the state school for the deaf and blind under
 22 the authority of the state board of public education;
 23 (10) teachers under the authority of the department of
 24 institutions;
 25 (11) investment officer and assistant investment

1 officer of the board of investments; and
 2 (12) four professional staff positions under the board
 3 of oil and gas conservation."

4 Section 8. Section 19-4-302, MCA, is amended to read:
 5 "19-4-302. Active membership. (1) Unless otherwise
 6 provided by this chapter, the following persons must be
 7 active members of the retirement system, with the exception
 8 that those persons who became eligible for membership on
 9 September 1, 1937, or on September 1, 1939, and who elected
 10 not to become members under the provisions of the law at
 11 that time are not required to be members:

12 (a) any person who is a teacher, principal, or
 13 district superintendent as defined in 20-1-101;

14 (b) any person who is an administrative officer or a
 15 member of the instructional or scientific staff of a unit of
 16 the Montana university system;

17 (c) any person employed in an instructional services
 18 capacity by the office of the superintendent of public
 19 instruction, the office of a county superintendent, a
 20 special education cooperative, a public institution of the
 21 state of Montana, the Montana state school for the deaf and
 22 blind, the board of vocational-technical institutes or a
vocational-technical institute, or a school district;

23 (d) any person who has elected not to become a member
 24 of the retirement system and is reentering service in a

1 capacity prescribed by (a), (b), or (c) of this subsection
 2 (1);

3 (e) any person who has elected not to become a member
 4 of the retirement system, who has been continuously employed
 5 in a capacity prescribed by (a), (b), or (c) of this
 6 subsection (1) since the time of such election, and who may
 7 thereafter elect to become a member of the retirement
 8 system.

9 (2) In order to be eligible for active membership, any
 10 person described in subsection (1) must:

11 (a) be employed in the capacity prescribed for his
 12 eligibility for at least 30 days in any fiscal year; and
 13 (b) have the compensation for his creditable service
 14 totally paid by an employer as defined herein.

15 (3) At any time a person's eligibility to become a
 16 member of the retirement system is in doubt, the retirement
 17 board shall determine his eligibility for membership. All
 18 persons in similar circumstances shall be treated alike."

19 Section 9. Section 20-1-101, MCA, is amended to read:
 20 "20-1-101. Definitions. As used in this title, unless
 21 the context clearly indicates otherwise, the following
 22 definitions apply:

23 (1) "Agricultural experiment station" means the
 24 agricultural experiment station established at Montana state
 25 university.

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

4 (3) "The board of public education" is the board
 5 created by Article X, section 9, subsection (3), of the 1972
 6 Montana constitution and 2-15-1507.

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

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

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

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

22 (8) "K-12 vocational education" means vocational
 23 education in public school grades 1 through 12.

24 {8}--"Postsecondary-vocational-technical-center"--means
 25 a school used principally for the provision of postsecondary

1 vocational-technical--education--to--persons--who-qualify-as
 2 postsecondary-vocational-technical-pupils.--These-centers-are
 3 designated-by-the-superintendent-of-public-instruction--upon
 4 direction--by--the--legislature.--All-other-public-or-private
 5 schools-are-hereby-prohibited-from-using-this-title.

6 (9) "Postsecondary vocational-technical education"
 7 means vocational-technical education of postsecondary
 8 vocational-technical pupils students which is conducted by a
 9 postsecondary vocational-technical center-or-other--programs
 10 institute as designated by the superintendent-of-public
 11 instruction board of vocational-technical institutes or by a
 12 unit of the Montana university system or a community college
 13 as designated by the board of regents. Postsecondary
 14 vocational-technical education shall include the 13th and
 15 14th year and beyond but will not include work toward a
 16 baccalaureate degree.

17 {10}--"Postsecondary-vocational-technical-pupil"--means-a
 18 person--who--has--completed--or--left-school--is-at-least-16
 19 years-of-age--and-is-available-for-study-in-preparation--for
 20 entering--the-labor-market--for-reentering-the-labor-market--
 21 or-for-employment-stability-or-advancement-in-employment--

22 {11}(10) "Principal" means any person who holds a valid
 23 class 3 Montana teacher certificate with an applicable
 24 principal's endorsement that has been issued by the
 25 superintendent of public instruction under the provisions of

1 this title and the policies adopted by the board of public
 2 education and who has been employed by a district as a
 3 principal. For the purposes of this title, any reference to
 4 a teacher shall be construed as including a principal, as
 5 herein defined.

6 ~~12~~(11) "Pupil" means any child who is 6 years of age
 7 or older on or before September 10 of the year in which the
 8 child is to enroll or has been enrolled by special
 9 permission of the board of trustees under 20-5-101(3) but
 10 has not yet reached his 19th birthday and who is enrolled in
 11 a school established and maintained under the laws of the
 12 state of Montana at public expense.

13 ~~13~~(12) "Pupil instruction" means the conduct of
 14 organized instruction of pupils enrolled in public schools
 15 while under the supervision of a teacher.

16 ~~14~~(13) "Regents" means the board of regents of higher
 17 education.

18 ~~15~~(14) "School food services" means a service of
 19 providing food for the pupils of a district on a nonprofit
 20 basis and shall include any food service financially
 21 assisted through funds or commodities provided by the United
 22 States government.

23 ~~16~~(15) "The state board of education" is the board
 24 composed of the board of public education and the board of
 25 regents as specified in Article X, section 9, subsection

1 (1), of the 1972 Montana constitution.

2 ~~17~~(16) "State university" means the Montana state
 3 university, located at Bozeman.

4 ~~18~~(17) "Superintendent of public instruction" means
 5 that state government official designated as a member of the
 6 executive branch by the constitution of Montana.

7 ~~19~~(18) "System" means the Montana university system.

8 ~~20~~(19) "Teacher" means any person, except a district
 9 superintendent, who holds a valid Montana teacher
 10 certificate that has been issued by the superintendent of
 11 public instruction under the provisions of this title and
 12 the policies adopted by the board of public education and
 13 who is employed by a district as a member of its
 14 instructional, supervisory, or administrative staff. This
 15 definition of a teacher shall also include any person for
 16 whom an emergency authorization of employment of such person
 17 has been issued under the provisions of 20-4-111.

18 ~~21~~(20) "Textbook" means a book or manual used as a
 19 principal source of study material for a given class or
 20 group of students.

21 ~~22~~(21) "Textbook dealer" means any party, company,
 22 corporation, or other organization selling, offering to
 23 sell, or offering for adoption textbooks to districts in the
 24 state of Montana.

25 ~~23~~(22) "Trustees" means the governing board of a

1 district.

2 ~~(24)~~(23) "University" means the university of Montana,
3 located at Missoula.

4 ~~(25)~~(24) "Vocational education" means the instruction
5 to prepare or improve the pupil for gainful employment that
6 does not require a baccalaureate or higher degree. This
7 definition of vocational education shall include guidance
8 and prevocational, related, or technical instruction
9 necessary to prepare the pupil for further vocational
10 education or for entry into employment.

11 (25) "Vocational-technical institute" means an
12 institution used principally for the provision of
13 postsecondary vocational-technical education to persons who
14 qualify as vocational-technical students. These institutes
15 are designated by the board of vocational-technical
16 institutes upon direction by the legislature. All other
17 public or private institutions or schools are hereby
18 prohibited from using this title.

19 (26) "Vocational-technical student" means a person who
20 has completed or left school, is at least 16 years of age,
21 and is available for study in preparation for entering the
22 labor market, for reentering the labor market, or for
23 employment stability or advancement in employment."

24 Section 10. Section 20-2-101, MCA, is amended to read:
25 "20-2-101. Combined boards as state board -- budget

1 review -- officers -- meetings -- quorum. (1) The board of
2 public education and the board of regents meeting together
3 as the state board of education shall be responsible for
4 long-range planning and for coordinating and evaluating
5 policies and programs for the public educational systems of
6 the state. The state board of education shall review and
7 unify the budget requests of educational entities assigned
8 by law to the board of public education, the board of
9 regents, the board of vocational-technical institutes, or
10 the state board of education and shall submit a unified
11 budget request with recommendations to the appropriate state
12 agency.

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

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

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

21 (5) A majority of members appointed to the board of
22 public education and the board of regents shall constitute a
23 quorum for transaction of business as the state board of
24 education.

25 (6) The board of public education and the board of

1 regents shall meet at least twice yearly as the state board
 2 of education on any two of the dates specified in
 3 20-2-112(1).

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

17 Section 11. Section 20-2-111, MCA, is amended to read:

18 "20-2-111. Officers of boards -- quorum. (1) The board
 19 of public education, the board of vocational-technical
 20 institutes, and the board of regents may each select a
 21 chairman from among their appointed members.

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

1 (3) A majority of the appointed members of each board
 2 constitutes a quorum for the transaction of business.

3 (4) The professional assistant shall serve as a
 4 liaison between the board of public education and the
 5 superintendent of public instruction and shall carry out
 6 other such duties as assigned by the board of public
 7 education."

8 Section 12. Section 20-2-112, MCA, is amended to read:
 9 "20-2-112. Quarterly meetings of boards -- called
 10 meetings -- notice of meetings. (1) The board of public
 11 education, the board of vocational-technical institutes, and
 12 the board of regents shall meet quarterly at the same
 13 location on the second Monday of April, July, September, and
 14 December.

15 (2) Other meetings of either any board may be called
 16 by the governor, by the chairman, by the secretary, or by
 17 four appointed members.

18 (3) The secretary to each board shall mail notice to
 19 each member at least 7 days in advance of all meetings of
 20 the respective board."

21 Section 13. Section 20-2-113, MCA, is amended to read:
 22 "20-2-113. Per diem of board members -- expenses.
 23 Appointed members of the board of public education, the
 24 board of vocational-technical institutes, and the board of
 25 regents are entitled to \$25 per day and travel expenses, as

1 provided for in 2-18-501 through 2-18-503, for each day in
 2 attendance at board meetings or in the performance of any
 3 duty or service as a board member."

4 Section 14. Section 20-2-114, MCA, is amended to read:

5 "20-2-114. Adoption of rules -- seal -- record of
 6 proceedings. The board of public education, the board of
 7 vocational-technical institutes, the board of regents, and
 8 the state board of education each shall:

9 (1) adopt rules consistent with the constitution or
 10 laws of the state of Montana necessary for its own
 11 government or the proper execution of the powers and duties
 12 conferred upon it by law;

13 (2) adopt and use an official seal to authenticate its
 14 official acts; and

15 (3) keep a record of its proceedings."

16 Section 15. Section 20-3-103, MCA, is amended to read:

17 "20-3-103. Deputy superintendent -- staff. (1) The
 18 state superintendent of public instruction shall appoint a
 19 deputy who, in the absence of the principal or in the case
 20 of vacancy in his office, shall perform all the duties of
 21 office until such disability be removed or vacancy be
 22 filled. Such deputy shall subscribe, take, and file the oath
 23 of office provided by law for other state officers before
 24 entering upon the performance of his duties.

25 (2) The superintendent of public instruction shall

1 have the power to employ, organize, and administer a staff
 2 of personnel to assist him in the administration of the
 3 duties and services of the office. In organizing his staff,
 4 the superintendent of public instruction shall employ:

5 (a) a supervisor of physical education who is a
 6 graduate of an accredited institution of higher education
 7 with a master's degree in physical education;

8 (b) a professional staff for the state supervision and
 9 administration of K-12 vocational education; and

10 (c) a special education supervisor who is a graduate
 11 of an accredited institution of higher education with a
 12 master's degree in a field of special education for the
 13 mentally retarded or physically handicapped and who has not
 14 less than 2 years' experience in special education."

15 Section 16. Section 20-3-104, MCA, is amended to read:

16 "20-3-104. Discretionary staff. In addition to the
 17 positions of employment listed in 20-3-103, the
 18 superintendent of public instruction may employ:

19 (1) one or more assistant superintendents, one of whom
 20 may be designated as assistant superintendent for K-12
 21 vocational education;

22 (2) a high school supervisor who is the holder of a
 23 class 3 teacher certificate with a district superintendent
 24 endorsement;

25 (3) an elementary supervisor who is the holder of a

1 valid teacher certificate;

2 (4) a competent person to develop economy and
3 efficiency in school transportation and to otherwise
4 supervise the transportation program;

5 (5) a music supervisor who is a graduate of an
6 accredited institution of higher education in music
7 education and who has not less than 5 years of teaching
8 experience;

9 (6) an educational media supervisor who is a graduate
10 of an accredited institution of higher education and who has
11 experience in the field of educational media; and

12 (7) any other supervisors or assistants as may be
13 required to carry out the duties of his office."

14 Section 17. Section 20-3-106, MCA, is amended to read:

15 "20-3-106. Supervision of schools -- powers and
16 duties. The superintendent of public instruction has the
17 general supervision of the public schools and districts of
18 the state, and he shall perform the following duties or acts
19 in implementing and enforcing the provisions of this title:

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

23 (2) issue, renew, or deny teacher certification and
24 emergency authorizations of employment;

25 (3) negotiate reciprocal tuition agreements with other

1 states in accordance with the provisions of 20-5-314;

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

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

7 (6) approve or disapprove the opening or reopening of
8 a school in accordance with the provisions of 20-6-502,
9 20-6-503, 20-6-504, or 20-6-505;

10 (7) approve or disapprove school isolation within the
11 limitations prescribed by 20-9-302;

12 (8) generally supervise the school budgeting
13 procedures prescribed by law in accordance with the
14 provisions of 20-9-102 and prescribe the school budget
15 format in accordance with the provisions of 20-9-103 and
16 20-9-506;

17 (9) establish a system of communication for
18 calculating joint district revenues in accordance with the
19 provisions of 20-9-151;

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

25 (11) generally supervise the school financial

1 administration provisions as prescribed by 20-9-201(2);
 2 (12) prescribe and furnish the annual report forms to
 3 enable the districts to report to the county superintendent
 4 in accordance with the provisions of 20-9-213(5) and the
 5 annual report forms to enable the county superintendents to
 6 report to the superintendent of public instruction in
 7 accordance with the provisions of 20-3-209;
 8 (13) approve, disapprove, or adjust an increase of the
 9 average number belonging (ANB) in accordance with the
 10 provisions of 20-9-313 and 20-9-314;
 11 (14) distribute state equalization aid in support of
 12 the foundation program in accordance with the provisions of
 13 20-9-342, 20-9-346, and 20-9-347;
 14 (15) estimate the statewide equalization level for the
 15 foundation program in accordance with the provisions of
 16 20-9-348;
 17 (16) distribute state impact aid in accordance with the
 18 provisions of 20-9-304;
 19 (17) provide for the uniform and equal provision of
 20 transportation by performing the duties prescribed by the
 21 provisions of 20-10-112;
 22 (18) approve or disapprove an adult education program
 23 for which a district proposes to levy a tax in accordance
 24 with the provisions of 20-7-705;
 25 (19) request, accept, deposit, and expend federal

1 moneys in accordance with the provisions of 20-9-603(1);
 2 (20) authorize the use of federal moneys for the
 3 support of an interlocal cooperative agreement in accordance
 4 with the provisions of 20-9-703 and 20-9-704;
 5 (21) prescribe the form and contents of and approve or
 6 disapprove interstate contracts in accordance with the
 7 provisions of 20-9-705;
 8 (22) approve or disapprove the conduct of school on a
 9 Saturday or on pupil-instruction-related days in accordance
 10 with the provisions of 20-1-303 and 20-1-304;
 11 (23) recommend standards of accreditation for all
 12 schools to the board of public education and evaluate
 13 compliance with such standards and recommend accreditation
 14 status of every school to the board of public education in
 15 accordance with the provisions of 20-7-101 and 20-7-102;
 16 (24) collect and maintain a file of curriculum guides
 17 and assist schools with instructional programs in accordance
 18 with the provisions of 20-7-113 and 20-7-114;
 19 (25) establish and maintain a library of visual, aural,
 20 and other educational media in accordance with the
 21 provisions of 20-7-201;
 22 (26) license textbook dealers and initiate prosecution
 23 of textbook dealers violating the law in accordance with the
 24 provisions of the textbooks part of this title;
 25 (27) as the governing agent and executive officer of

1 the state of Montana for K-12 vocational education, adopt
 2 the policies prescribed by and in accordance with the
 3 provisions of 20-7-301;

4 ~~t28} consider applications for the designation of a~~
 5 ~~postsecondary vocational technical center in accordance with~~
 6 ~~the provisions of 20-7-311;~~

7 ~~t29} establish a fund for the handling of postsecondary~~
 8 ~~vocational technical center fees in accordance with the~~
 9 ~~provisions of 20-7-333;~~

10 ~~t30} (28) supervise and coordinate the conduct of~~
 11 special education in the state in accordance with the
 12 provisions of 20-7-403;

13 ~~t31} (29) administer the traffic education program in~~
 14 accordance with the provisions of 20-7-502;

15 ~~t32} (30) administer the school food services program in~~
 16 accordance with the provisions of 20-10-201, 20-10-202, and
 17 20-10-203;

18 ~~t33} (31) review school building plans and~~
 19 specifications in accordance with the provisions of
 20 20-6-622;

21 ~~t34} (32) prescribe the method of identification and~~
 22 signals to be used by school safety patrols in accordance
 23 with the provisions of 20-1-408; and

24 ~~t35} (33) perform any other duty prescribed from time to~~
 25 time by this title, any other act of the legislature, or the

1 policies of the board of public education."

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

7 (1) employ or dismiss a teacher, principal, or other
 8 assistant upon the recommendation of the district
 9 superintendent, the county high school principal, or other
 10 principal as the board may deem necessary, accepting or
 11 rejecting such recommendation as the trustees shall in their
 12 sole discretion determine, in accordance with the provisions
 13 of Title 20, chapter 4;

14 (2) employ and dismiss administrative personnel,
 15 clerks, secretaries, teacher aides, custodians, maintenance
 16 personnel, school bus drivers, food service personnel,
 17 nurses, and any other personnel deemed necessary to carry
 18 out the various services of the district;

19 (3) administer the attendance and tuition provisions
 20 and otherwise govern the pupils of the district in
 21 accordance with the provisions of the pupils chapter of this
 22 title;

23 (4) call, conduct, and certify the elections of the
 24 district in accordance with the provisions of the school
 25 elections chapter of this title;

1 (5) participate in the teachers' retirement system of
2 the state of Montana in accordance with the provisions of
3 the teachers' retirement system chapter of Title 19;

4 (6) participate in district boundary change actions in
5 accordance with the provisions of the districts chapter of
6 this title;

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

10 (8) adopt and administer the annual budget or an
11 emergency budget of the district in accordance with the
12 provisions of the school budget system part of this title;

13 (9) conduct the fiscal business of the district in
14 accordance with the provisions of the school financial
15 administration part of this title;

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

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

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

1 (13) when applicable, establish, financially
2 administer, and budget for the tuition fund, retirement
3 fund, building reserve fund, adult education fund,
4 nonoperating fund, school food services fund, miscellaneous
5 federal programs fund, building fund, housing and dormitory
6 fund, traffic education fund, and interlocal cooperative
7 agreement fund in accordance with the provisions of the
8 other school funds parts of this title;

9 (14) when applicable, administer any interlocal
10 cooperative agreement, gifts, legacies, or devises in
11 accordance with the provisions of the miscellaneous
12 financial parts of this title;

13 (15) hold in trust, acquire, and dispose of the real
14 and personal property of the district in accordance with the
15 provisions of the school sites and facilities part of this
16 title;

17 (16) operate the schools of the district in accordance
18 with the provisions of the school calendar part of this
19 title;

20 (17) establish and maintain the instructional services
21 of the schools of the district in accordance with the
22 provisions of the instructional services, textbooks, K-12
23 vocational education, and special education parts of this
24 title;

25 (18) establish and maintain the school food services of

1 the district in accordance with the provisions of the school
 2 food services parts of this title;

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

6 (20) retain, when deemed advisable, a physician or
 7 registered nurse to inspect the sanitary conditions of the
 8 school or the general health conditions of each pupil and,
 9 upon request, make available to any parent or guardian any
 10 medical reports or health records maintained by the district
 11 pertaining to his child;

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

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

18 (23) perform any other duty and enforce any other
 19 requirements for the government of the schools prescribed by
 20 this title, the policies of the board of public education,
 21 or the rules of the superintendent of public instruction."

22 Section 19. Section 20-6-501, MCA, is amended to read:

23 "20-6-501. Definition of various schools. As used in
 24 this title, unless the context clearly indicates otherwise,
 25 the term "school" means an institution for the teaching of

1 children that is established and maintained under the laws
 2 of the state of Montana at public expense. The trustees of
 3 any district shall designate the grade assignments for the
 4 schools of the district, but for the purposes of this title
 5 each school shall be known as:

6 (1) an elementary school when it comprises the work of
 7 any combination of kindergarten, other preschool programs,
 8 or the first eight grades or their equivalents. A middle
 9 school is a school comprising the work of grades 4 through 8
 10 or any combination thereof that has been accredited as a
 11 middle school under the provisions of 20-7-102. When an
 12 accredited junior high school or an accredited 6-year high
 13 school is operated by the district, grades 7 and 8 or their
 14 equivalents shall not be considered as elementary grades.

15 (2) a high school when it comprises the work of one or
 16 more grades of schoolwork or their equivalents intermediate
 17 between the elementary schools and the institutions of
 18 higher education of the state of Montana. Types of high
 19 schools shall be designated as follows:

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

24 (b) a senior high school is a school which comprises
 25 the work of grades 10 through 12 or their equivalents and

1 which is operated in conjunction with a junior high school;
 2 (c) a 6-year high school is a school comprising the
 3 work of grades 7 through 12 or their equivalents that has
 4 been accredited as a 6-year high school under the provisions
 5 of 20-7-102;

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

8 (e) a county high school is a 4-year high school
 9 operated as an agency of county government and established
 10 under the provisions of the acts of March 3, 1899, March 14,
 11 1901, and any subsequent amendments thereto;

12 {f}--a---postsecondary---vocational-technical---center
 13 established-under-the-provisions-of-20-7-311."

14 Section 20. Section 20-7-301, MCA, is amended to read:
 15 "20-7-301. Duties of the superintendent of public
 16 instruction. The superintendent of public instruction shall
 17 be the governing agent and executive officer of the state of
 18 Montana for K-12 vocational education. The superintendent of
 19 public instruction shall adopt and administer policies to
 20 effect the orderly development of a system of K-12
 21 vocational education that is adaptable to changing needs,
 22 controlled to prevent unnecessary duplication, coordinated
 23 with federal guidelines and requirements for vocational
 24 education, and funded to ensure growth and quality
 25 programming. In order to accomplish the orderly development

1 of a system of K-12 vocational education, the superintendent
 2 of public instruction policies shall include:

3 (1) a state plan for such development;
 4 (2) standards for K-12 vocational education courses
 5 and programs;

6 {3}--the----minimum---requirements---for---granting
 7 postsecondary-vocational-technical-certificates-to-students;

8 {4}(3) a review process for the establishment and
 9 deletion of programs;

10 {5}--the--necessary-qualifications-that-a-postsecondary
 11 vocational-technical-center-director-must-possess;

12 {6}(4) instructor qualifications for K-12 vocational
 13 education courses and programs;

14 {7}(5) criteria for approval of K-12 vocational
 15 education courses and programs which--are---to---receive
 16 financial-assistance;

17 {8}--criteria---for---receiving,----reviewing,----and
 18 transmitting----recommendations----on----postsecondary
 19 vocational-technical--center--operations-and-budget-requests
 20 to-the-legislature;

21 {9}(6) a basis for apportionment of all moneys
 22 appropriated by the legislature for K-12 vocational
 23 education in accordance with the intent of the legislature
 24 as reflected in the terms of the appropriation;

25 {10}(7) a basis for apportionment of all moneys

1 received by the state of Montana for K-12 vocational
 2 education from the federal government in accordance with the
 3 acts of congress;

4 ~~(12)~~ a system of evaluation of K-12 vocational
 5 education which allows for consideration of the current and
 6 projected manpower needs and job opportunities; and

7 ~~(12)~~-the--tuition--and--fees--to--be--charged--at--the
 8 postsecondary--vocational-technical--centers;--based--upon
 9 legislative--appropriations--available-to-the-superintendent
 10 of-public-instruction-for-postsecondary-vocational-technical
 11 centers;

12 ~~(13)~~-the-allowable-costs-for-rental--of--buildings--for
 13 postsecondary-vocational-technical-center-purposes;

14 ~~(14)~~-guidelines--for--the--authority--delegated--by-the
 15 superintendent-of-public-instruction--to--the--local--school
 16 district--board--of--trustees--operating--a--postsecondary
 17 vocational-technical-center; and

18 ~~(15)~~(9) any other policy not inconsistent with public
 19 law and which is necessary for the proper operation of a
 20 system of K-12 vocational education."

21 Section 21. Section 20-7-302.1, MCA, is amended to
 22 read:

23 "20-7-302.1. State director of K-12 vocational
 24 education -- duties. There is a state director of K-12
 25 vocational education appointed by the superintendent of

1 public instruction. He must:

2 (1) administer the K-12 vocational education policies
 3 adopted by the superintendent of public instruction;

4 (2) prepare curriculum guides for superintendent of
 5 public instruction adoption;

6 (3) employ, with the confirmation of the
 7 superintendent of public instruction, the professional staff
 8 necessary for the state supervision and administration of
 9 K-12 vocational education;

10 (4) report the status of K-12 vocational education in
 11 the state of Montana when requested by the superintendent of
 12 public instruction;

13 (5) keep all K-12 vocational education records in his
 14 office;

15 (6) provide K-12 vocational education supervisory and
 16 consultative assistance to districts;

17 ~~(7)~~--provide--a--postsecondary--vocational-technical
 18 center--system--policy--and--procedural--handbook--for
 19 institutional--operations--that--will--standardize--operations
 20 among--the--centers;

21 ~~(8)~~--identify-and-direct-the-county-treasurer-in--those
 22 counties--where--postsecondary--vocational-technical-centers
 23 are-located-to-establish-the-necessary-mulfund--structures
 24 for--postsecondary--vocational-technical--center--financial
 25 operations;

1 (9)--meet-with-the-chairman-of-the-board--of--trustees,
 2 the--district--superintendent,--and--center-director-of-each
 3 postsecondary-vocational-technical--center--at--least--twice
 4 each---year---to---discuss---recommended---changes---in--the
 5 superintendent--of---public---instruction's---policies---and
 6 procedures;

7 (10)--formulate--and--put--into--effect--uniform-fiscal,
 8 student--staff,--and--program--accounting--systems--for--the
 9 postsecondary-vocational-technical-centers;

10 (11)(7) prepare any necessary reports for the
 11 superintendent of public instruction or the legislature; and

12 (12)--represent-the--postsecondary--vocational-technical
 13 center--system--to--state-agencies,-associations,-and-others
 14 when-appropriate;

15 (13)--recommend-a-staffing-pattern-for-the-postsecondary
 16 vocational-technical-centers;

17 (14)--provide--for--the--evaluation--of---programs---and
 18 services---within--each--postsecondary--vocational-technical
 19 center;

20 (15)--provide--for--evaluation--of--each---postsecondary
 21 vocational-technical-center's-ability-to-meet-employment-and
 22 student-vocational-technical-education-needs;--and

23 (16)(8) perform any other duty assigned by the
 24 superintendent of public instruction."

25 Section 22. Section 20-7-303, MCA, is amended to read:

1 "20-7-303. District--authorization Authorization to
 2 establish and maintain vocational education courses and
 3 programs. (1) The trustees of any an elementary or high
 4 school district, community-college-district,-or-unit-of-the
 5 Montana-university--system may establish and maintain a
 6 vocational education course or program that complies with
 7 the K-12 vocational education standards adopted by the
 8 superintendent of public instruction. The trustees of a
 9 community college district or a unit of the Montana
 10 university system may establish and maintain a postsecondary
 11 vocational-technical education course or program.

12 (2) In order for a course or program to be eligible
 13 for state or federal financing, it shall be approved by:

14 (a) the superintendent of public instruction for
 15 compliance with K-12 vocational education standards;

16 (b) the board of vocational-technical institutes for
 17 compliance with postsecondary vocational-technical institute
 18 standards; or

19 (c) the board of regents for courses and programs
 20 offered by a unit of the Montana university system or by a
 21 community college."

22 Section 23. Section 20-7-311, MCA, is amended to read:

23 "20-7-311. Postsecondary--vocational-technical--center
 24 Vocational-technical institute designation. (1)
 25 Postsecondary-----vocational-technical-----centers

1 Vocational-technical institutes shall be designated by the
 2 superintendent--of--public--instruction--only board of
 3 vocational-technical institutes upon direction of the
 4 legislature. Applications for designation must be made in
 5 accordance with the following procedure:

6 (a) The trustees of any high school district, of a
 7 county high school, of a community college district, or the
 8 governing-board-of-any-unit-of-the-Montana-university-system
 9 board of regents may submit an application for designation
 10 of a postsecondary vocational-technical center--to--be
 11 operated--by--such-trustees-or-governing-board institute. The
 12 application for designation shall be submitted in accordance
 13 with the time, data, and form requirements prescribed by the
 14 superintendent---of---public---instruction board of
 15 vocational-technical institutes. Applicant high school
 16 districts, county high schools, or community college
 17 districts shall be located in a county with a taxable
 18 valuation of at least \$45 million.

19 (b) Applications are to be presented to the
 20 superintendent-of-public-instruction--The-superintendent-of
 21 public-instruction board of vocational-technical institutes,
 22 which shall examine the application and draft
 23 recommendations. The application, together with all
 24 recommendations, shall be presented by the superintendent-of
 25 public--instruction board of vocational-technical institutes

1 to the next following legislature.

2 (2) The superintendent-of-public-instruction board of
 3 vocational-technical institutes shall recognize the
 4 presently--designated--postsecondary vocational-technical
 5 centers--operated--by--the--respective--board-of-trustees-of
 6 institutes designated prior to July 1, 1986, in school
 7 district number 1 of Silver Bow County, high school district
 8 number 1 of Lewis and Clark County, high school district "A"
 9 of Cascade County, Missoula County high school, and high
 10 school district number 2 of Yellowstone County."

11 Section 24. Section 20-7-312, MCA, is amended to read:
 12 "20-7-312. Local administration of
 13 vocational-technical institute. (1) Subject to the
 14 requirements of the laws of the state of Montana and the
 15 policies and rules of the superintendent--of--public
 16 instruction--as--administered--by--the--state--director--of
 17 vocational--education--the--board--of--trustees--operating--a
 18 postsecondary board of vocational-technical institutes, the
 19 director of each vocational-technical center institute has
 20 administrative and supervisory control of the institute and
 21 shall:

22 (a) employ,--from--among--qualified--applicants,--a
 23 postsecondary-vocational-technical-center-director;
 24 (b) employ administrative personnel, faculty
 25 members, and employees for the postsecondary

1 vocational-technical center institute according to the
 2 policies and procedures rules of the board of trustees
 3 vocational-technical institutes;

4 (e)(b) recommend, develop and submit budgets a
 5 recommended budget for the postsecondary
 6 vocational-technical centers institute;

7 (e)(c) establish and collect student tuition and fees;
 8 (e)(d) recommend to the superintendent--of--public
 9 instruction--through--the--state--director--of--vocational
 10 education board of vocational-technical institutes:

11 (i) proposals regarding postsecondary
 12 vocational-technical center institute programs, budgets,
 13 student services, and public service activities; and

14 (ii) campus development and program plans for
 15 individual postsecondary vocational-technical center
 16 institute buildings;

17 (e)(e) manage buildings erected-and-equipped-on-leased
 18 grounds at the vocational-technical institute;

19 (e)(f) receive and administer gifts and bequests to
 20 the postsecondary vocational-technical center institute
 21 according to a written plan submitted to the superintendent
 22 of--public--instruction board of vocational-technical
 23 institutes; and

24 (e)(g) perform any other administrative
 25 responsibilities duties not inconsistent with law and

1 required by the superintendent-of-public--instruction board
 2 of vocational-technical institutes.

3 (2) The board--of--trustees--operating director of a
 4 postsecondary vocational-technical center institute may not
 5 enter into any contract that in any way creates a debt or
 6 obligation upon the state for the improvement or
 7 construction of postsecondary vocational-technical center
 8 institute buildings on-leased-property."

9 Section 25. Section 20-7-314, MCA, is amended to read:
 10 "20-7-314. Lease or purchase of state property for
 11 postsecondary vocational-technical center institute
 12 purposes. (1) The state of Montana, acting by--and through
 13 the superintendent--of--public--instruction--is--hereby
 14 empowered--and--authorized--to--enter--into--a board of
 15 vocational-technical institutes, may lease agreement for a
 16 term not to exceed 40 years in-order-to-lease-to-a--district
 17 operating--a--postsecondary--vocational-technical-center any
 18 building or lands owned-by-the-state-and-financed--in--whole
 19 or--in--part--by-an-appropriation-made-by-the-legislature-of
 20 the-state-of-Montana for the--purpose--of--supporting--the
 21 district's--postsecondary a vocational-technical center
 22 institute. The-consideration-necessary--to--support--such--a
 23 lease--may--be--nominal--.
 24 (2) The-superintendent-of-public-instruction-is--hereby
 25 authorized--to--transfer-or--direct-transfer-of-title-held-by

1 the-state-of-Montana-in-buildings-or-lands-financed-in-whole
 2 or-in-part-by-an-appropriation-by-the-state-legislature-to-a
 3 district--operating--a--postsecondary---vocational-technical
 4 center,--at-any-time-the-superintendent-of-public-instruction
 5 deems--such-transfer-to-be-in-the-best-interests-of-both-the
 6 state--and--the--district--involved;--provided---that---this
 7 authorization--extends--only-to-buildings-or-lands-which-are
 8 to---be---used---by---the---district---for---postsecondary
 9 vocational-technical---education---purposes. The state of
 10 Montana, acting through the board of postsecondary
 11 vocational-technical institutes and on request of a school
 12 district, may lease or purchase the equity or interest of
 13 the school district in any building, land, or other property
 14 at a vocational-technical institute on terms agreed to
 15 between the board of vocational-technical institutes and the
 16 school district. A purchase may be by lump-sum payment, time
 17 payments, the assumption of bonded indebtedness, or any
 18 other mutually agreeable method. Money received by a school
 19 district from the lease or sale under this subsection (2) of
 20 the school district's equity or interest in a building,
 21 land, or other property must be credited to the debt service
 22 fund, building fund, general fund, or any combination of
 23 these funds, at the discretion of the trustees of the school
 24 district."

25 Section 26. Section 20-7-322, MCA, is amended to read:

1 "20-7-322. State treasurer custodian of vocational
 2 education moneys. money. (1) The treasurer of the state of
 3 Montana is hereby designated as the custodian of all federal
 4 and state moneys money designated, appropriated, or
 5 apportioned for vocational education. All moneys money
 6 received from any federal or state source for the
 7 establishment, operation, or furtherance of vocational
 8 education in the state shall be deposited with the state
 9 treasurer. At the direction of the superintendent of public
 10 instruction, he shall disburse all moneys--appropriated--or
 11 money received for K-12 vocational education. At the
 12 direction of the board of regents, he shall disburse all
 13 money received for postsecondary vocational-technical
 14 education.

15 (2) The state treasurer is the treasurer for all
 16 postsecondary vocational-technical centers institutes, and
 17 all money received by postsecondary vocational-technical
 18 centers institutes from any source shall be deposited in the
 19 state treasury pursuant to 17-6-105, unless the source of
 20 the money specifies deposit somewhere other than in the
 21 state treasury."

22 Section 27. Section 20-7-324, MCA, is amended to read:
 23 "20-7-324. Sources of financing for postsecondary
 24 vocational-technical center institute budgets --
 25 superintendent---of---public---instruction---administration

1 distribution of funds. (1) The total of the
 2 vocational-technical institute budgets approved by the
 3 superintendent-of-public-instruction board of
 4 vocational-technical institutes, together with the budget
 5 for the cost of state administration of the postsecondary
 6 vocational-technical centers institutes, shall constitute
 7 the total maximum approved statewide budget, which shall be
 8 financed as follows:

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

13 (b) The board of county commissioners of each county
 14 in which a designated postsecondary vocational-technical
 15 center is located is hereby authorized to levy a tax of not
 16 to exceed 1-1/4 mills for calendar year 1979 and 1-1/2 mills
 17 thereafter on the dollar of all taxable property, real and
 18 personal, within the county for the support and maintenance
 19 of the postsecondary vocational-technical center located
 20 within the county.

21 (c) Designated postsecondary vocational-technical
 22 centers institutes shall be eligible to receive such funds
 23 from the federal government as the superintendent-of-public
 24 instruction board of vocational-technical institutes may
 25 provide pursuant to applicable acts of congress.

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

11 (i) the same of bonds issued by that district (such
 12 bonds shall be issued in conformity with the requirements of
 13 chapter 9, part 4, of this title in the case of high school
 14 and county high school district);

15 (ii) any other funds available to that district which
 16 may be legally and properly applied toward such
 17 construction;

18 (iii) the reasonable value of land, buildings,
 19 fixtures, or equipment furnished by that district, subject
 20 to the approval of the superintendent of public instruction.

21 (2) The superintendent of public instruction board of
 22 vocational-technical institutes shall direct the
 23 distribution of the funds specified in subsections (i) and
 24 (ii) subsection (1) on the basis of the budgets
 25 approved by the superintendent of public instruction board

1 of vocational-technical institutes. The funds earned by--the
 2 mill-levy--specified-in-subsection-(1)(b)-shall-be-credited
 3 by---the---county----treasurer---to---the---postsecondary
 4 vocational-technical-center-fund.

5 +37--The--superintendent--of--public--instruction--shall
 6 determine--the--amount--of--financing--available--from--these--four
 7 sources--of--revenue--and--may--approve--budgets--for--maintenance
 8 and--operation--construction,--and--ancillary--services.--The
 9 aggregate--amount--of--the--budgets--so--approved--by--the
 10 superintendent--of--public--instruction--for--postsecondary
 11 vocational-technical--centers--shall--not--exceed--the--moneys
 12 determined--to--be--available."

13 Section 28. Section 20-7-325, MCA, is amended to read:
 14 "20-7-325. Postsecondary--vocational-technical--center
 15 vocational-technical institute funding -- nongeneral fund
 16 money expended first -- reversion of general fund money. (1)
 17 Whenever an approved postsecondary vocational-technical
 18 center institute under the provisions of 20-7-311 is
 19 operated within a district, the trustees--of--such--district
 20 board of vocational-technical institutes shall request the
 21 establishment of the appropriate accounts in the state
 22 treasury. These accounts shall be established in the
 23 appropriate state treasury funds as determined by the
 24 department of administration. All money prescribed and
 25 received under the provisions of 20-7-324 shall be credited

1 to these accounts. The expenditure of the money deposited in
 2 the state treasury shall be made in accordance with
 3 procedures established by the department of administration.
 4 Such expenditures shall be made under the budget and for the
 5 programs approved by the superintendent--of--public
 6 instruction--under--the--provisions--of--20-7-323 board of
 7 vocational-technical institutes and the financial
 8 administration provisions of this title.

9 (2) A postsecondary vocational-technical center
 10 institute shall apply expenditures against nongeneral fund
 11 money wherever possible before using state general fund
 12 appropriations. All state general fund money appropriated or
 13 disbursed to a postsecondary vocational-technical center
 14 institute which are unexpended at fiscal year end shall
 15 revert to the state general fund.

16 +37--The----approval----of----the----postsecondary
 17 vocational-technical-center-budget-and--subsequent--revision
 18 or--amendment-of-such-budget--by--the--superintendent--of--public
 19 instruction--shall--constitute--the--final--budget--approva--
 20 +4)--Whenever--the--county--tax--prescribed--in
 21 20-7-324+37(b)-is--to--be--used--in--support--of--the--postsecondary
 22 vocational-technical--center,--the--county--commissioners--are
 23 authorized--to--levy--such--tax--on--the--county--in--accordance--with
 24 the--provisions--of--20-9-142--"

25 Section 29. Section 20-7-327, MCA, is amended to read:

1 "20-7-327. Source of financing for postsecondary
 2 vocational-technical center institute facility maintenance.
 3 The source of funds for maintenance, remodeling, and
 4 renovation of postsecondary vocational-technical center
 5 institute facilities may be either ~~local funds~~ federal funds
 6 or state funds specifically appropriated by the legislature
 7 and approved by the superintendent-of-public-instruction
 8 board of vocational-technical institutes, or any combination
 9 of these funds."

10 Section 30. Section 20-7-332, MCA, is amended to read:

11 "20-7-332. Tuition rates. (1) Tuition may be charged
 12 to any resident or nonresident of the state of Montana by
 13 the governing--board director of any postsecondary
 14 vocational-technical center institute at rates to be
 15 determined by the superintendent-of-public-instruction board
 16 of vocational-technical institutes. The superintendent--of
 17 public--instruction board of vocational-technical institutes
 18 shall also prescribe permissible uses for any tuition
 19 authorized.

20 (2) For the purposes of this section the eligibility
 21 of a student for resident status shall be determined in the
 22 same manner as that prescribed for use by the Montana
 23 university system, except that those provisions referring to
 24 "high school graduates" or "graduation from high school"
 25 shall be considered to refer to a person who has attended

1 school or who was in attendance at a school."

2 Section 31. Section 20-7-333, MCA, is amended to read:
 3 "20-7-333. Pupil Student fees and disposition of
 4 collected fees. (1) Fees for the use of equipment and
 5 material used in instruction may be charged by the trustees
 6 or--other--governing--board director of the postsecondary
 7 vocational-technical center institute. The superintendent-of
 8 public--instruction board of vocational-technical institutes
 9 shall prescribe the basis uses and limitations for the
 10 charging of such fees.

11 (2) Fees collected by the postsecondary
 12 vocational-technical center institute shall be deposited
 13 with the state treasurer in the fund designated by the
 14 superintendent--of--public--instruction board of
 15 vocational-technical institutes for the receipt of such
 16 fees. The expenditure of the fees shall not be subject to
 17 budget limitations and shall be in addition to the program
 18 budgets approved by the superintendent-of-public-instruction
 19 board of vocational-technical institutes."

20 Section 32. Section 20-9-403, MCA, is amended to read:

21 "20-9-403. Bond issues for certain purposes. (1) The
 22 trustees of a school district may issue and negotiate bonds
 23 on the credit of the school district for the purpose of:
 24 (a) building, altering, repairing, buying, furnishing,
 25 equipping, purchasing lands for, and/or obtaining a water

1 supply for a school, teacherage, dormitory, gymnasium, other
 2 building, or combination of said buildings for school
 3 purposes;---~~including~~---postsecondary---vocational-technical
 4 centers-in-the-school-district;

5 (b) buying a school bus or buses;

6 (c) providing the necessary money to redeem matured
 7 bonds, maturing bonds, or coupons appurtenant to bonds when
 8 there is not sufficient money to redeem them;

9 (d) providing the necessary money to redeem optional
 10 or redeemable bonds when it is for the best interest of the
 11 school district to issue refunding bonds; or

12 (e) funding a judgment against the district.

13 (2) Any money realized from the sale of any bonds
 14 issued on the credit of a high school district shall not be
 15 used for any of the above purposes in an elementary school
 16 district, and such money may be used for any of the above
 17 purposes for a junior high school but only to the extent
 18 that the 9th grade of the high school is served thereby."

19 Section 33. Section 20-9-513, MCA, is amended to read:

20 "20-9-513. Postsecondary---vocational-technical--center
 21 Vocational-technical institute and adult basic education
 22 programs account established. There is within the state
 23 special revenue fund a postsecondary vocational-technical
 24 center institute and adult basic education account. Money is
 25 paid into the account under 90-6-211. The state treasurer

1 shall draw warrants payable from this account upon order of
 2 the superintendent of public instruction or the board of
 3 vocational-technical institutes up to the amount provided
 4 for each under 90-6-211 by the biennial budget passed by the
 5 legislature."

6 Section 34. Section 20-9-603, MCA, is amended to read:
 7 "20-9-603. Acceptance and expenditure of federal
 8 moneys for state. (1) (a) The governor and the
 9 superintendent of public instruction are authorized on
 10 behalf of the state of Montana to request and accept such
 11 moneys as are now or will be made available under any act of
 12 congress of the United States or otherwise for purposes of
 13 public school building construction or for any other
 14 purposes of public schools and public education as permitted
 15 under the laws of the state of Montana and as authorized by
 16 the grants from the federal government. Such moneys shall be
 17 deposited by the governor and superintendent of public
 18 instruction in the state treasury and are appropriated and
 19 made available to the superintendent of public instruction.
 20 All such moneys shall be expended for the purpose of public
 21 school building construction or for any other purposes of
 22 public schools and public education as permitted under the
 23 laws of the state of Montana and as authorized by the grants
 24 from the federal government.

25 ~~(2)~~(b) The governor and superintendent of public

1 instruction are further authorized on behalf of the state of
 2 Montana to accept moneys provided from federal sources for
 3 the express purpose of distribution to nonpublic education.
 4 Such moneys shall be deposited by the governor and
 5 superintendent of public instruction in the state treasury
 6 and are appropriated and made available to the
 7 superintendent of public instruction. All such moneys shall
 8 be distributed in the manner provided by the laws of the
 9 state of Montana and as authorized or expressed by grants
 10 from the federal government.

11 ~~(c)~~ All expenditures of moneys from federal sources
 12 under this section subsection (1) shall be made under the
 13 supervision and in the discretion of the superintendent of
 14 public instruction. Any balance in the account in which such
 15 moneys are maintained shall not lapse at any time but shall
 16 be continuously available to the superintendent of public
 17 instruction for expenditures consistent with this title and
 18 acts of the federal government.

19 (2) (a) The governor and the board of regents are
 20 authorized on behalf of the state of Montana to request and
 21 accept such moneys as are now or will be made available
 22 under any act of congress of the United States or otherwise
 23 for purposes of postsecondary vocational-technical education
 24 building construction or for any other purposes of
 25 postsecondary vocational-technical education as permitted

1 under the laws of the state of Montana and as authorized by
 2 the grants from the federal government. Such moneys shall be
 3 deposited by the governor and the board of regents in the
 4 state treasury and are appropriated and made available to
 5 the board of vocational-technical institutes or the board of
 6 regents. All such moneys shall be expended for the purpose
 7 of postsecondary vocational-technical education building
 8 construction or for any other purposes of postsecondary
 9 vocational-technical education as permitted under the laws
 10 of the state of Montana and as authorized by the grants from
 11 the federal government.

12 (b) The governor and the board of regents are further
 13 authorized on behalf of the state of Montana to accept
 14 moneys provided from federal sources for the express purpose
 15 of distribution to nonpublic postsecondary
 16 vocational-technical education. Such moneys shall be
 17 deposited by the governor and the board of regents in the
 18 state treasury. All such moneys shall be distributed in the
 19 manner provided by the laws of the state of Montana and as
 20 authorized or expressed by grants from the federal
 21 government.

22 (c) All expenditures of moneys from federal sources
 23 under this subsection (2) shall be made under the
 24 supervision and in the discretion of the board of regents.
 25 Any balance in the account in which such moneys are

1 maintained shall not lapse at any time but shall be
 2 continuously available to the board of regents for
 3 expenditures consistent with this title and acts of the
 4 federal government."

5 Section 35. Section 20-25-701, MCA, is amended to
 6 read:

7 "20-25-701. Definitions and purpose. (1) As used in
 8 this part, unless the context otherwise requires, the
 9 following definitions apply:

10 (a) "Institution" means any public institution of
 11 postsecondary education governed, supervised, or coordinated
 12 by the board of regents of higher education or by the board
 13 of vocational-technical institutes.

14 (b) "Student" means any Montana resident, as
 15 established by the board of regents of higher education or
 16 by the board of vocational-technical institutes, who has met
 17 the qualifications for enrollment as a full-time student at
 18 an institution or who is presently enrolled as a full-time
 19 student in good standing, as determined by the institution.

20 (2) It is the purpose of this part to help ensure that
 21 no resident of Montana be denied attendance at institutions
 22 governed, supervised, or coordinated by the board of regents
 23 of higher education or by the board of vocational-technical
 24 institutes because of financial barriers and further to
 25 provide low-cost supplemental assistance for all governing

1 units within Montana. The legislature intends that any
 2 Montana resident wishing to gain admittance to such
 3 institutions in Montana, within necessary budgetary
 4 limitations as provided by law, shall be allowed the
 5 opportunity to earn in part or in total sufficient money to
 6 pay the costs accompanying such attendance through
 7 employment by state and local governing units and certain
 8 public interest organizations."

9 Section 36. Section 39-71-118, MCA, is amended to
 10 read:

11 "39-71-118. Employee, worker, and workman defined. (1)
 12 The terms "employee", "workman", or "worker" mean:

13 (a) each person in this state, including a contractor
 14 other than an independent contractor, who is in the service
 15 of an employer, as defined by 39-71-117, under any
 16 appointment or contract of hire, expressed or implied, oral
 17 or written. The terms include aliens and minors, whether
 18 lawfully or unlawfully employed, and all of the elected and
 19 appointed paid public officers and officers and members of
 20 boards of directors of quasi-public or private corporations
 21 while rendering actual service for such corporations for
 22 pay. Casual employees as defined by 39-71-116(3) are
 23 included as employees if they are not otherwise covered by
 24 workers' compensation and if an employer has elected to be
 25 bound by the provisions of the compensation law for these

1 casual employments, as provided in 39-71-401(2). Household
2 or domestic service is excluded.

3 (b) a recipient of general relief who is performing
4 work for a county of this state under the provisions of
5 53-3-302 through 53-3-305 and any juvenile performing work
6 under authorization of a district court judge in a
7 delinquency prevention or rehabilitation program;

8 (c) a person receiving on-the-job vocational
9 rehabilitation training or other on-the-job training under a
10 state or federal vocational training program, whether or not
11 under an appointment or contract of hire with an employer as
12 defined in this chapter and whether or not receiving payment
13 from a third party. However, this subsection does not apply
14 to students enrolled in vocational training programs as
15 outlined above while they are on the premises of a public
16 school or community college; or

17 (d) students enrolled and in attendance in programs of
18 vocational---technical postsecondary vocational-technical
19 education approved by the state board of public education at
20 designated postsecondary---vocational---technical---centers
21 vocational-technical institutes.

22 (2) If the employer is a partnership or sole
23 proprietorship, such employer may elect to include as an
24 employee within the provisions of this chapter any member of
25 such partnership or the owner of the sole proprietorship

1 devoting full time to the partnership or proprietorship
2 business. In the event of such election, the employer must
3 serve upon the employer's insurer written notice naming the
4 partners or sole proprietor to be covered, and no partner or
5 sole proprietor shall be deemed an employee within this
6 chapter until such notice has been given. For premium
7 ratemaking and for the determination of weekly wage for
8 weekly compensation benefits, the insurance carrier shall
9 assume a salary or wage of such electing employee to be not
10 less than \$900 a month and not more than 1 1/2 times the
11 average weekly wage as defined in this chapter."

12 Section 37. Section 90-6-211, MCA, is amended to read:
13 "90-6-211. Disposition of interest from unexpended
14 balance. The unexpended balance in the local impact and
15 education trust fund account shall be invested as provided
16 by statute by the board of investments. Of the income from
17 such investments each year 10% shall be paid into the state
18 special revenue fund for use by the superintendent of public
19 instruction for purposes of the---postsecondary
20 vocational-technical---centers---and adult basic education
21 programs in the state,---subject to the budgeting authority of
22 the---legislature and for use by the board of
23 vocational-technical institutes for vocational-technical
24 institute programs in the state, as provided in the biennium
25 budget passed by the legislature. Within the account under

1 20-9-513, the revenue is shared between the postsecondary
 2 vocational-technical centers institutes and the adult basic
 3 education programs as provided in the biennium budget passed
 4 by the legislature. Of the remaining 90% of the income from
 5 such investments, three-fourths shall be annually paid into
 6 the state special revenue fund for state equalization aid to
 7 public schools of the state and one-fourth each year shall
 8 be paid to the board of regents of higher education for use
 9 by the institutions of higher learning in the state, subject
 10 to the budgeting authority of the legislature. Except as
 11 provided in 90-6-205(4), the principal of the local impact
 12 and educational trust fund shall be dedicated to education
 13 and forever remain inviolate and sacred to this purpose as
 14 provided in sections 3 and 10 of Article X of the Montana
 15 constitution."

16 NEW SECTION. Section 38. Repealer. Sections 20-7-323,
 17 20-7-326, 20-9-404, and 20-9-405, MCA, are repealed.

18 NEW SECTION. Section 39. Initial appointment and
 19 terms of members of board of vocational-technical
 20 institutes. Initial appointments to the board of
 21 vocational-technical institutes must be made within 30 days
 22 after [the effective date of this section]. Two initial
 23 appointees shall serve for 4 years, two shall serve for 5
 24 years, two shall serve for 6 years, and one shall serve for
 25 7 years.

1 NEW SECTION. Section 40. Extension of authority. Any
 2 existing authority of the superintendent of public
 3 instruction to make rules on the subject of the provisions
 4 of this act is extended to the provisions of this act.

5 NEW SECTION. Section 41. Codification instruction.
 6 Sections 2 through 5 are intended to be codified as an
 7 integral part of Title 20, chapter 7, part 3, and the
 8 provisions of Title 20 apply to sections 2 through 5.

9 NEW SECTION. Section 42. Code commissioner name
 10 change. In all sections of the Montana Code Annotated not
 11 contained in this act and in all provisions passed by the
 12 49th legislature wherein reference is made to a
 13 postsecondary vocational-technical center, the code
 14 commissioner shall change the reference to
 15 vocational-technical institute.

16 NEW SECTION. Section 43. Effective dates. (1)
 17 Sections 1, 3, 4 through 6, 11 through 14, 39, and this
 18 section are effective on passage and approval.

19 (2) Sections 2, 7 through 10, 15 through 38, and 40
 20 through 42 are effective July 1, 1986.

-End-

1 STATEMENT OF INTENT

2 HOUSE BILL 18

3 House Education and Cultural Resources Committee

5 Section 3 of the bill requires the board of
6 vocational-technical institutes to adopt rules implementing
7 its powers and duties. The legislature intends these rules
8 to encompass the full range of board powers and duties, and
9 particularly those set out in section 3 of the bill which is
10 effective on passage and approval. The legislature intends
11 that the board begin the process of adopting rules and
12 policies prior to the July 1, 1986 1987, effective date for
13 implementation of the remainder of the act.

14 The board should study the office of public
15 instruction's postsecondary vocational-technical education
16 rules, which are superseded by this act, since those rules
17 may give the board guidance.

THIRD READING

HB 18

HOUSE BILL NO. 18

INTRODUCED BY DONALDSON, EUDAILY, BRANDEWIE, GRADY,
WILLIAMS, J. HAMMOND, SCHYE, JACK MOORE, MILES, HARPER

5 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A STATE
6 BOARD ALLOCATED TO THE BOARD OF REGENTS TO GOVERN
7 POSTSECONDARY VOCATIONAL-TECHNICAL CENTERS; RENAMING
8 POSTSECONDARY VOCATIONAL-TECHNICAL CENTERS AS
9 VOCATIONAL-TECHNICAL INSTITUTES; ABOLISHING LOCAL CONTROL;
10 AMENDING SECTIONS 2-18-103, 19-4-302, 20-1-101, 20-2-101,
11 20-2-111 THROUGH 20-2-114, 20-3-103, 20-3-104, 20-3-106,
12 20-3-324, 20-6-501, 20-7-301, 20-7-302.1, 20-7-303,
13 20-7-311, 20-7-312, 20-7-314, 20-7-322, THROUGH 20-7-324,
14 20-7-325, 20-7-327, 20-7-332, 20-7-333, 20-9-403, 20-9-513,
15 20-9-603, 20-25-701, 39-71-118, AND 90-6-211, MCA; REPEALING
16 SECTIONS 20-7-323, 20-7-326, 20-9-404, AND 20-9-405, MCA;
17 AND PROVIDING AN IMMEDIATE A DELAYED EFFECTIVE DATE FOR
18 CREATION AND CERTAIN DUTIES OF THE STATE BOARD AND PROVIDING
19 A JULY 1, 1986 1987, EFFECTIVE DATE FOR IMPLEMENTATION OF
20 THE REMAINING PARTS OF THE ACT."

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

(Refer to Introduced Bill)

24 Strike everything after the enacting clause and insert:

NEW SECTION. Section 1. Board of vocational-technical

1 institutes. (1) There is a board of vocational-technical
2 institutes consisting of seven persons appointed by and
3 serving at the pleasure of the governor. After initial
4 appointments, each board member must be appointed to a
5 7-year term of office and the terms must be staggered. The
6 governor must ensure that business and industrial interests
7 are represented by the board and must ensure geographic
8 distribution of appointees.

19 NEW SECTION. Section 2. Sole state agency for federal
20 vocational education requirements. The board of regents is
21 the sole state agency for purposes of the 1984 federal
22 vocational education act, which requires a state
23 participating in programs under that act to designate a
24 state board or agency as the sole state agency responsible
25 for administration or supervision of the administration of



1 those programs.

2 NEW SECTION. Section 3. Powers and duties of board of
3 vocational-technical institutes. (1) The board of
4 vocational-technical institutes has general administrative
5 and supervisory control over the vocational-technical
6 institutes and shall:

7 (a) establish and when necessary amend a plan for the
8 orderly development of postsecondary vocational-technical
9 education offered at the vocational-technical institutes
10 that is consistent with federal and state law, controlled to
11 prevent unnecessary duplication, and funded to ensure
12 necessary growth and quality education;

13 (b) adopt standards for postsecondary
14 vocational-technical education courses and programs;

15 (c) implement a review process, which may include
16 appointment of a local advisory board for each institute,
17 for establishing and deleting programs and courses that
18 recognizes the present and future needs of employers and
19 provides qualified graduates for positions for which there
20 is or may in the near future be a demand;

21 (d) establish student entrance and graduation
22 requirements;

23 (e) appoint a director, to serve at the pleasure of
24 the board, for each vocational-technical institute and
25 establish minimum qualifications for faculty and minimum

1 qualifications for directors, administrative staff, and
2 other personnel;

3 (f) appoint a commissioner of vocational-technical
4 education, to serve at the pleasure of the board;

5 (g) establish student tuition and prescribe the bases
6 and limitations for charging of fees, taking into account
7 funding available from all other sources;

8 (h) determine the amount to be paid for the lease or
9 purchase of buildings;

10 (i) adopt budget requests for the vocational-technical
11 institute system;

12 (j) establish a procedure by which students can
13 receive part of their education and training through
14 programs, courses, and on-the-job training offered by the
15 private sector and not available at the institutes;

16 (k) establish a procedure by which qualified persons
17 in the private sector can participate in the training and
18 teaching of students in the institutes' classrooms when such
19 persons have training, knowledge, and skills not available
20 through the institutes' faculty;

21 (l) provide means by which the institutes' faculty can
22 obtain advanced education and training in new areas and
23 either be reimbursed for their expenses or raised to a
24 higher salary level, or both;

25 (m) establish for the various institutes uniform

1 policies for recordkeeping; financial transactions;
 2 accounting; maintenance; recruiting, guidance, and placement
 3 of students; examinations; personnel relations; and other
 4 matters as determined by the board;

5 (n) negotiate with the bargaining representative for
 6 the personnel of each institute or the personnel of the
 7 institutes in a manner consistent with state and federal
 8 law;

9 (o) work with other institutions of postsecondary
 10 education for articulation between those institutions and
 11 the vocational-technical institutes;

12 (p) adopt rules, not inconsistent with the
 13 constitution and the laws of the state, which are proper and
 14 necessary in the execution of the powers and duties
 15 conferred upon it by law.

16 (2) Rules proposed for adoption must be submitted to
 17 the board of regents for its comments and suggestions prior
 18 to publication of the notice of intent to adopt the rules.
 19 The board of regents may at any time submit to the board of
 20 vocational-technical institutes recommendations for changes
 21 in rules and policies.

22 NEW SECTION. Section 4. Duties of the commissioner of
 23 vocational-technical institutes. The commissioner of
 24 vocational-technical institutes shall, under the rules and
 25 policies of the board of vocational-technical institutes:

1 (1) be the chief administrative officer for the board
 2 of vocational-technical institutes for the administration of
 3 its vocational-technical institute rules and policies;

4 (2) employ, within the limits of any legislative
 5 appropriation and with the confirmation of the board of
 6 vocational-technical institutes, the staff necessary for the
 7 state supervision and administration of the board's
 8 vocational-technical institute rules and policies;

9 (3) provide supervisory and consultative assistance to
 10 institutes;

11 (4) report the status of postsecondary
 12 vocational-technical education offered at the
 13 vocational-technical institutes in the state of Montana when
 14 requested by the board of vocational-technical institutes;

15 (5) keep all board of vocational-technical institutes
 16 records in his office; and

17 (6) perform any other duties assigned by the board of
 18 vocational-technical institutes.

19 NEW SECTION. Section 5. Employment of
 20 vocational-technical institute personnel. (1) Persons may be
 21 employed by vocational-technical institutes through any one
 22 or more processes chosen by the board of
 23 vocational-technical institutes. Different employment
 24 processes may be used for different levels or types of
 25 personnel.

1 (2) The board shall, when required to do so, negotiate
 2 with the bargaining representative for the personnel of each
 3 institute or the personnel of the institutes regarding
 4 wages, hours, benefits, and other conditions of employment
 5 in a manner consistent with state and federal law.

6 NEW SECTION. Section 6. Existing institute employees.
 7 (1) The rights of persons employed by an institute under a
 8 collective bargaining agreement in effect prior to July 1,
 9 ~~1986~~ 1987, may not be impaired.

10 (2) Following (the effective date of this section),
 11 the employees of any institute may apply to the board of
 12 personnel appeals for determination of the appropriate
 13 bargaining unit or units for the purposes of collective
 14 bargaining for a contract or contracts to be negotiated
 15 prior to July 1, ~~1986~~ 1987.

16 (3) A person employed by an institute under a school
 17 district on June 30, ~~1986~~ 1987, becomes an employee of the
 18 board of vocational-technical institutes on July 1, ~~1986~~
 19 1987.

20 (4) If a person is employed by an institute in any
 21 capacity on July 1, ~~1986~~ 1987, and has accumulated sick,
 22 vacation, or other leave with a school district, such leave
 23 shall be transferred fully regardless of the length of
 24 employment with the district in which the institute is
 25 located. Prior^{to} to July 1, ~~1986~~ 1987, the board of

1 vocational-technical institutes shall negotiate the
 2 assumption of accumulated leave liability with the district.

3 Section 7. Section 2-18-103, MCA, is amended to read:
 4 "2-18-103. Officers and employees excepted. Parts 1
 5 and 2 do not apply to the following positions in state
 6 government:

7 (1) elected officials;
 8 (2) county assessors and their chief deputy;
 9 (3) officers and employees of the legislative branch;
 10 (4) judges and employees of the judicial branch;
 11 (5) members of boards and commissions appointed by the
 12 governor, appointed by the legislature, or appointed by
 13 other elected state officials;
 14 (6) officers or members of the militia;
 15 (7) agency heads appointed by the governor;
 16 (8) academic and professional administrative personnel
 17 with individual contracts under the authority of the board
 18 of regents of higher education or the board of
 19 vocational-technical institutes;
 20 (9) academic and professional administrative personnel
 21 and live-in houseparents who have entered into individual
 22 contracts with the state school for the deaf and blind under
 23 the authority of the state board of public education;
 24 (10) teachers under the authority of the department of
 25 institutions;

1 (11) investment officer and assistant investment
 2 officer of the board of investments; and
 3 (12) four professional staff positions under the board
 4 of oil and gas conservation."

5 Section 8. Section 19-4-302, MCA, is amended to read:
 6 "19-4-302. Active membership. (1) Unless otherwise
 7 provided by this chapter, the following persons must be
 8 active members of the retirement system, with the exception
 9 that those persons who became eligible for membership on
 10 September 1, 1937, or on September 1, 1939, and who elected
 11 not to become members under the provisions of the law at
 12 that time are not required to be members:

13 (a) any person who is a teacher, principal, or
 14 district superintendent as defined in 20-1-101;

15 (b) any person who is an administrative officer or a
 16 member of the instructional or scientific staff of a unit of
 17 the Montana university system;

18 (c) any person employed in an instructional services
 19 capacity by the office of the superintendent of public
 20 instruction, the office of a county superintendent, a
 21 special education cooperative, a public institution of the
 22 state of Montana, the Montana state school for the deaf and
 23 blind, the board of vocational-technical institutes or a
 24 vocational-technical institute, or a school district;

25 (d) any person who has elected not to become a member

1 of the retirement system and is reentering service in a
 2 capacity prescribed by (a), (b), or (c) of this subsection
 3 (1);

4 (e) any person who has elected not to become a member
 5 of the retirement system, who has been continuously employed
 6 in a capacity prescribed by (a), (b), or (c) of this
 7 subsection (1) since the time of such election, and who may
 8 thereafter elect to become a member of the retirement
 9 system.

10 (2) In order to be eligible for active membership, any
 11 person described in subsection (1) must:

12 (a) be employed in the capacity prescribed for his
 13 eligibility for at least 30 days in any fiscal year; and

14 (b) have the compensation for his creditable service
 15 totally paid by an employer as defined herein.

16 (3) At any time a person's eligibility to become a
 17 member of the retirement system is in doubt, the retirement
 18 board shall determine his eligibility for membership. All
 19 persons in similar circumstances shall be treated alike."

20 Section 9. Section 20-1-101, MCA, is amended to read:

21 "20-1-101. Definitions. As used in this title, unless
 22 the context clearly indicates otherwise, the following
 23 definitions apply:

24 (1) "Agricultural experiment station" means the
 25 agricultural experiment station established at Montana state

1 university.

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

5 (3) "The board of public education" is the board
6 created by Article X, section 9, subsection (3), of the 1972
7 Montana constitution and 2-15-1507.

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

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

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

16 (7) "District superintendent" means any person who
17 holds a valid class 3 Montana teacher certificate with a
18 superintendent's endorsement that has been issued by the
19 superintendent of public instruction under the provisions of
20 this title and the policies adopted by the board of public
21 education and who has been employed by a district as a
22 district superintendent.

23 (8) "K-12 vocational education" means vocational
24 education in public school grades 1 through 12.

25 (8) "Postsecondary--vocational-technical-center"--means

1 a-school-used-principally-for-the-provision-of-postsecondary
2 vocational-technical-education-to--persons--who--qualify--as
3 postsecondary-vocational-technical-pupils--These-centers-are
4 designated--by-the-superintendent-of-public-instruction-upon
5 direction-by-the-legislature--All-other--public--or--private
6 schools-are-hereby-prohibited-from-using-this-title--

7 (9) "Postsecondary vocational-technical education"
8 means vocational-technical education of postsecondary
9 vocational-technical pupils students which is conducted by a
10 postsecondary vocational-technical center-or-other-programs
11 institute as designated by the superintendent--of--public
12 instruction board of vocational-technical institutes or by a
13 unit of the Montana university system or a community college
14 as designated by the board of regents. Postsecondary
15 vocational-technical education shall include the 13th and
16 14th year and beyond but will not include work toward a
17 baccalaureate degree.

18 (10) "Postsecondary-vocational-pupil"--means-a
19 person-who-has-completed-or-left--school--is--at--least--16
20 years--of--age--and--is--available-for-study-in-preparation-for
21 entering-the-labor-market--for-reentering-the-labor--market,
22 or-for-employment-stability-or-advancement-in-employment--

23 (10) "Principal" means any person who holds a valid
24 class 3 Montana teacher certificate with an applicable
25 principal's endorsement that has been issued by the

1 superintendent of public instruction under the provisions of
 2 this title and the policies adopted by the board of public
 3 education and who has been employed by a district as a
 4 principal. For the purposes of this title, any reference to
 5 a teacher shall be construed as including a principal, as
 6 herein defined.

7 ~~(11)~~ "Pupil" means any child who is 6 years of age
 8 or older on or before September 10 of the year in which the
 9 child is to enroll or has been enrolled by special
 10 permission of the board of trustees under 20-5-101(3) but
 11 has not yet reached his 19th birthday and who is enrolled in
 12 a school established and maintained under the laws of the
 13 state of Montana at public expense.

14 ~~(12)~~ "Pupil instruction" means the conduct of
 15 organized instruction of pupils enrolled in public schools
 16 while under the supervision of a teacher.

17 ~~(13)~~ "Regents" means the board of regents of higher
 18 education.

19 ~~(14)~~ "School food services" means a service of
 20 providing food for the pupils of a district on a nonprofit
 21 basis and shall include any food service financially
 22 assisted through funds or commodities provided by the United
 23 States government.

24 ~~(15)~~ "The state board of education" is the board
 25 composed of the board of public education and the board of

1 regents as specified in Article X, section 9, subsection
 2 (1), of the 1972 Montana constitution.

3 ~~(16)~~ "State university" means the Montana state
 4 university, located at Bozeman.

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

8 ~~(18)~~ "System" means the Montana university system.

9 ~~(19)~~ "Teacher" means any person, except a district
 10 superintendent, who holds a valid Montana teacher
 11 certificate that has been issued by the superintendent of
 12 public instruction under the provisions of this title and
 13 the policies adopted by the board of public education and
 14 who is employed by a district as a member of its
 15 instructional, supervisory, or administrative staff. This
 16 definition of a teacher shall also include any person for
 17 whom an emergency authorization of employment of such person
 18 has been issued under the provisions of 20-4-111.

19 ~~(20)~~ "Textbook" means a book or manual used as a
 20 principal source of study material for a given class or
 21 group of students.

22 ~~(21)~~ "Textbook dealer" means any party, company,
 23 corporation, or other organization selling, offering to
 24 sell, or offering for adoption textbooks to districts in the
 25 state of Montana.

1 ~~t23~~(22) "Trustees" means the governing board of a
2 district.

3 ~~t24~~(23) "University" means the university of Montana,
4 located at Missoula.

5 ~~t25~~(24) "Vocational education" means the instruction
6 to prepare or improve the pupil for gainful employment that
7 does not require a baccalaureate or higher degree. This
8 definition of vocational education shall include guidance
9 and prevocational, related, or technical instruction
10 necessary to prepare the pupil for further vocational
11 education or for entry into employment.

12 (25) "Vocational-technical institute" means an
13 institution used principally for the provision of
14 postsecondary vocational-technical education to persons who
15 qualify as vocational-technical students. These institutes
16 are designated by the board of vocational-technical
17 institutes upon direction by the legislature. All other
18 public or private institutions or schools are hereby
19 prohibited from using this title.

20 (26) "Vocational-technical student" means a person who
21 has completed or left school, is at least 16 years of age,
22 and is available for study in preparation for entering the
23 labor market, for reentering the labor market, or for
24 employment stability or advancement in employment."

25 Section 10. Section 20-2-101, MCA, is amended to read:

1 "20-2-101. Combined boards as state board -- budget
2 review -- officers -- meetings -- quorum. (1) The board of
3 public education and the board of regents meeting together
4 as the state board of education shall be responsible for
5 long-range planning and for coordinating and evaluating
6 policies and programs for the public educational systems of
7 the state. The state board of education shall review and
8 unify the budget requests of educational entities assigned
9 by law to the board of public education, the board of
10 regents, the board of vocational-technical institutes, or
11 the state board of education and shall submit a unified
12 budget request with recommendations to the appropriate state
13 agency.

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

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

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

22 (5) A majority of members appointed to the board of
23 public education and the board of regents shall constitute a
24 quorum for transaction of business as the state board of
25 education.

1 (6) The board of public education and the board of
 2 regents shall meet at least twice yearly as the state board
 3 of education on any two of the dates specified in
 4 20-2-112(1).

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

18 Section 11. Section 20-2-111, MCA, is amended to read:

19 "20-2-111. Officers of boards -- quorum. (1) The board
 20 of public education, the board of vocational-technical
 21 institutes, and the board of regents may each select a
 22 chairman from among their appointed members.

23 (2) The professional assistant shall serve as
 24 secretary to the board of public education, and the
 25 commissioner of higher education serves as secretary to the

1 board of regents.

2 (3) A majority of the appointed members of each board
 3 constitutes a quorum for the transaction of business.

4 (4) The professional assistant shall serve as a
 5 liaison between the board of public education and the
 6 superintendent of public instruction and shall carry out
 7 other such duties as assigned by the board of public
 8 education."

9 Section 12. Section 20-2-112, MCA, is amended to read:
 10 "20-2-112. Quarterly meetings of boards -- called
 11 meetings -- notice of meetings. (1) The board of public
 12 education, the board of vocational-technical institutes, and
 13 the board of regents shall meet quarterly at the same
 14 location on the second Monday of April, July, September, and
 15 December.

16 (2) Other meetings of either any board may be called
 17 by the governor, by the chairman, by the secretary, or by
 18 four appointed members.

19 (3) The secretary to each board shall mail notice to
 20 each member at least 7 days in advance of all meetings of
 21 the respective board."

22 Section 13. Section 20-2-113, MCA, is amended to read:
 23 "20-2-113. Per diem of board members -- expenses.
 24 Appointed members of the board of public education, the
 25 board of vocational-technical institutes, and the board of

1 regents are entitled to \$25 per day and travel expenses, as
 2 provided for in 2-18-501 through 2-18-503, for each day in
 3 attendance at board meetings or in the performance of any
 4 duty or service as a board member."

5 Section 14. Section 20-2-114, MCA, is amended to read:
 6 "20-2-114. Adoption of rules -- seal -- record of
 7 proceedings. The board of public education, the board of
 8 vocational-technical institutes, the board of regents, and
 9 the state board of education each shall:

10 (1) adopt rules consistent with the constitution or
 11 laws of the state of Montana necessary for its own
 12 government or the proper execution of the powers and duties
 13 conferred upon it by law;

14 (2) adopt and use an official seal to authenticate its
 15 official acts; and

16 (3) keep a record of its proceedings."

17 Section 15. Section 20-3-103, MCA, is amended to read:

18 "20-3-103. Deputy superintendent -- staff. (1) The
 19 state superintendent of public instruction shall appoint a
 20 deputy who, in the absence of the principal or in the case
 21 of vacancy in his office, shall perform all the duties of
 22 office until such disability be removed or vacancy be
 23 filled. Such deputy shall subscribe, take, and file the oath
 24 of office provided by law for other state officers before
 25 entering upon the performance of his duties.

1 (2) The superintendent of public instruction shall
 2 have the power to employ, organize, and administer a staff
 3 of personnel to assist him in the administration of the
 4 duties and services of the office. In organizing his staff,
 5 the superintendent of public instruction shall employ:

6 (a) a supervisor of physical education who is a
 7 graduate of an accredited institution of higher education
 8 with a master's degree in physical education;

9 (b) a professional staff for the state supervision and
 10 administration of K-12 vocational education; and

11 (c) a special education supervisor who is a graduate
 12 of an accredited institution of higher education with a
 13 master's degree in a field of special education for the
 14 mentally retarded or physically handicapped and who has not
 15 less than 2 years' experience in special education."

16 Section 16. Section 20-3-104, MCA, is amended to read:

17 "20-3-104. Discretionary staff. In addition to the
 18 positions of employment listed in 20-3-103, the
 19 superintendent of public instruction may employ:

20 (1) one or more assistant superintendents, one of whom
 21 may be designated as assistant superintendent for K-12
 22 vocational education;

23 (2) a high school supervisor who is the holder of a
 24 class 3 teacher certificate with a district superintendent
 25 endorsement;

1 (3) an elementary supervisor who is the holder of a
2 valid teacher certificate;

3 (4) a competent person to develop economy and
4 efficiency in school transportation and to otherwise
5 supervise the transportation program;

6 (5) a music supervisor who is a graduate of an
7 accredited institution of higher education in music
8 education and who has not less than 5 years of teaching
9 experience;

10 (6) an educational media supervisor who is a graduate
11 of an accredited institution of higher education and who has
12 experience in the field of educational media; and

13 (7) any other supervisors or assistants as may be
14 required to carry out the duties of his office."

15 Section 17. Section 20-3-106, MCA, is amended to read:

16 "20-3-106. Supervision of schools -- powers and
17 duties. The superintendent of public instruction has the
18 general supervision of the public schools and districts of
19 the state, and he shall perform the following duties or acts
20 in implementing and enforcing the provisions of this title:

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

24 (2) issue, renew, or deny teacher certification and
25 emergency authorizations of employment;

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

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

5 (5) approve or disapprove the orders of a high school
6 boundary commission in accordance with the provisions of
7 20-6-311;

8 (6) approve or disapprove the opening or reopening of
9 a school in accordance with the provisions of 20-6-502,
10 20-6-503, 20-6-504, or 20-6-505;

11 (7) approve or disapprove school isolation within the
12 limitations prescribed by 20-9-302;

13 (8) generally supervise the school budgeting
14 procedures prescribed by law in accordance with the
15 provisions of 20-9-102 and prescribe the school budget
16 format in accordance with the provisions of 20-9-103 and
17 20-9-506;

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

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

1 (11) generally supervise the school financial
 2 administration provisions as prescribed by 20-9-201(2);
 3 (12) prescribe and furnish the annual report forms to
 4 enable the districts to report to the county superintendent
 5 in accordance with the provisions of 20-9-213(5) and the
 6 annual report forms to enable the county superintendents to
 7 report to the superintendent of public instruction in
 8 accordance with the provisions of 20-3-209;
 9 (13) approve, disapprove, or adjust an increase of the
 10 average number belonging (ANB) in accordance with the
 11 provisions of 20-9-313 and 20-9-314;
 12 (14) distribute state equalization aid in support of
 13 the foundation program in accordance with the provisions of
 14 20-9-342, 20-9-346, and 20-9-347;
 15 (15) estimate the statewide equalization level for the
 16 foundation program in accordance with the provisions of
 17 20-9-348;
 18 (16) distribute state impact aid in accordance with the
 19 provisions of 20-9-304;
 20 (17) provide for the uniform and equal provision of
 21 transportation by performing the duties prescribed by the
 22 provisions of 20-10-112;
 23 (18) approve or disapprove an adult education program
 24 for which a district proposes to levy a tax in accordance
 25 with the provisions of 20-7-705;

1 (19) request, accept, deposit, and expend federal
 2 moneys in accordance with the provisions of 20-9-603(1);
 3 (20) authorize the use of federal moneys for the
 4 support of an interlocal cooperative agreement in accordance
 5 with the provisions of 20-9-703 and 20-9-704;
 6 (21) prescribe the form and contents of and approve or
 7 disapprove interstate contracts in accordance with the
 8 provisions of 20-9-705;
 9 (22) approve or disapprove the conduct of school on a
 10 Saturday or on pupil-instruction-related days in accordance
 11 with the provisions of 20-1-303 and 20-1-304;
 12 (23) recommend standards of accreditation for all
 13 schools to the board of public education and evaluate
 14 compliance with such standards and recommend accreditation
 15 status of every school to the board of public education in
 16 accordance with the provisions of 20-7-101 and 20-7-102;
 17 (24) collect and maintain a file of curriculum guides
 18 and assist schools with instructional programs in accordance
 19 with the provisions of 20-7-113 and 20-7-114;
 20 (25) establish and maintain a library of visual, aural,
 21 and other educational media in accordance with the
 22 provisions of 20-7-201;
 23 (26) license textbook dealers and initiate prosecution
 24 of textbook dealers violating the law in accordance with the
 25 provisions of the textbooks part of this title;

1 (27) as the governing agent and executive officer of
 2 the state of Montana for K-12 vocational education, adopt
 3 the policies prescribed by and in accordance with the
 4 provisions of 20-7-301;

5 +28+ consider--applications--for--the--designation-of-a
 6 postsecondary-vocational-technical-center-in-accordance-with
 7 the-provisions-of-20-7-311;

8 +29+ establish-a-fund-for-the-handling-of-postsecondary
 9 vocational-technical-center--fees--in--accordance--with--the
 10 provisions-of-20-7-333;

11 +30+ (28) supervise and coordinate the conduct of
 12 special education in the state in accordance with the
 13 provisions of 20-7-403;

14 +31+ (29) administer the traffic education program in
 15 accordance with the provisions of 20-7-502;

16 +32+ (30) administer the school food services program in
 17 accordance with the provisions of 20-10-201, 20-10-202, and
 18 20-10-203;

19 +33+ (31) review school building plans and
 20 specifications in accordance with the provisions of
 21 20-6-622;

22 +34+ (32) prescribe the method of identification and
 23 signals to be used by school safety patrols in accordance
 24 with the provisions of 20-1-408; and

25 +35+ (33) perform any other duty prescribed from time to

1 time by this title, any other act of the legislature, or the
 2 policies of the board of public education."

3 Section 18. Section 20-3-324, MCA, is amended to read:
 4 "20-3-324. Powers and duties. As prescribed elsewhere
 5 in this title, the trustees of each district shall have the
 6 power and it shall be their duty to perform the following
 7 duties or acts:

8 (1) employ or dismiss a teacher, principal, or other
 9 assistant upon the recommendation of the district
 10 superintendent, the county high school principal, or other
 11 principal as the board may deem necessary, accepting or
 12 rejecting such recommendation as the trustees shall in their
 13 sole discretion determine, in accordance with the provisions
 14 of Title 20, chapter 4;

15 (2) employ and dismiss administrative personnel,
 16 clerks, secretaries, teacher aides, custodians, maintenance
 17 personnel, school bus drivers, food service personnel,
 18 nurses, and any other personnel deemed necessary to carry
 19 out the various services of the district;

20 (3) administer the attendance and tuition provisions
 21 and otherwise govern the pupils of the district in
 22 accordance with the provisions of the pupils chapter of this
 23 title;

24 (4) call, conduct, and certify the elections of the
 25 district in accordance with the provisions of the school

1 elections chapter of this title;

2 (5) participate in the teachers' retirement system of
3 the state of Montana in accordance with the provisions of
4 the teachers' retirement system chapter of Title 19;

5 (6) participate in district boundary change actions in
6 accordance with the provisions of the districts chapter of
7 this title;

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

11 (8) adopt and administer the annual budget or an
12 emergency budget of the district in accordance with the
13 provisions of the school budget system part of this title;

14 (9) conduct the fiscal business of the district in
15 accordance with the provisions of the school financial
16 administration part of this title;

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

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

24 (12) issue, refund, sell, budget, and redeem the bonds
25 of the district in accordance with the provisions of the

1 bonds parts of this title;

2 (13) when applicable, establish, financially
3 administer, and budget for the tuition fund, retirement
4 fund, building reserve fund, adult education fund,
5 nonoperating fund, school food services fund, miscellaneous
6 federal programs fund, building fund, housing and dormitory
7 fund, traffic education fund, and interlocal cooperative
8 agreement fund in accordance with the provisions of the
9 other school funds parts of this title;

10 (14) when applicable, administer any interlocal
11 cooperative agreement, gifts, legacies, or devises in
12 accordance with the provisions of the miscellaneous
13 financial parts of this title;

14 (15) hold in trust, acquire, and dispose of the real
15 and personal property of the district in accordance with the
16 provisions of the school sites and facilities part of this
17 title;

18 (16) operate the schools of the district in accordance
19 with the provisions of the school calendar part of this
20 title;

21 (17) establish and maintain the instructional services
22 of the schools of the district in accordance with the
23 provisions of the instructional services, textbooks, K-12
24 vocational education, and special education parts of this
25 title;

1 (18) establish and maintain the school food services of
 2 the district in accordance with the provisions of the school
 3 food services parts of this title;

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

7 (20) retain, when deemed advisable, a physician or
 8 registered nurse to inspect the sanitary conditions of the
 9 school or the general health conditions of each pupil and,
 10 upon request, make available to any parent or guardian any
 11 medical reports or health records maintained by the district
 12 pertaining to his child;

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

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

19 (23) perform any other duty and enforce any other
 20 requirements for the government of the schools prescribed by
 21 this title, the policies of the board of public education,
 22 or the rules of the superintendent of public instruction."

23 Section 19. Section 20-6-501, MCA, is amended to read:

24 "20-6-501. Definition of various schools. As used in
 25 this title, unless the context clearly indicates otherwise,

1 the term "school" means an institution for the teaching of
 2 children that is established and maintained under the laws
 3 of the state of Montana at public expense. The trustees of
 4 any district shall designate the grade assignments for the
 5 schools of the district, but for the purposes of this title
 6 each school shall be known as:

7 (1) an elementary school when it comprises the work of
 8 any combination of kindergarten, other preschool programs,
 9 or the first eight grades or their equivalents. A middle
 10 school is a school comprising the work of grades 4 through 8
 11 or any combination thereof that has been accredited as a
 12 middle school under the provisions of 20-7-102. When an
 13 accredited junior high school or an accredited 6-year high
 14 school is operated by the district, grades 7 and 8 or their
 15 equivalents shall not be considered as elementary grades.

16 (2) a high school when it comprises the work of one or
 17 more grades of schoolwork or their equivalents intermediate
 18 between the elementary schools and the institutions of
 19 higher education of the state of Montana. Types of high
 20 schools shall be designated as follows:

21 (a) a junior high school is a school comprising the
 22 work of grades 7 through 9 or their equivalents that has
 23 been accredited as a junior high school under the provisions
 24 of 20-7-102;

25 (b) a senior high school is a school which comprises

1 the work of grades 10 through 12 or their equivalents and
 2 which is operated in conjunction with a junior high school;

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

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

9 (e) a county high school is a 4-year high school
 10 operated as an agency of county government and established
 11 under the provisions of the acts of March 3, 1899, March 14,
 12 1901, and any subsequent amendments thereto;

13 ~~(f) a postsecondary vocational-technical center
 14 established under the provisions of 20-7-301."~~

15 Section 20. Section 20-7-301, MCA, is amended to read:
 16 "20-7-301. Duties of the superintendent of public
 17 instruction. The superintendent of public instruction shall
 18 be the governing agent and executive officer of the state of
 19 Montana for K-12 vocational education. The superintendent of
 20 public instruction shall adopt and administer policies to
 21 effect the orderly development of a system of K-12
 22 vocational education that is adaptable to changing needs,
 23 controlled to prevent unnecessary duplication, coordinated
 24 with federal guidelines and requirements for vocational
 25 education, and funded to ensure growth and quality

1 programming. In order to accomplish the orderly development
 2 of a system of K-12 vocational education, the superintendent
 3 of public instruction policies shall include:

4 (1) a state plan for such development;

5 (2) standards for K-12 vocational education courses
 6 and programs;

7 ~~(3) the minimum requirements for granting
 8 postsecondary vocational-technical certificates to students;~~

9 ~~(4) a review process for the establishment and
 10 deletion of programs;~~

11 ~~(5) the necessary qualifications that a postsecondary
 12 vocational-technical center director must possess;~~

13 ~~(6) instructor qualifications for K-12 vocational
 14 education courses and programs;~~

15 ~~(7) criteria for approval of K-12 vocational
 16 education courses and programs which are to receive
 17 financial assistance;~~

18 ~~(8) criteria for receiving, reviewing, and
 19 transmitting recommendations on postsecondary
 20 vocational-technical center operations and budget requests
 21 to the legislature;~~

22 ~~(9) a basis for apportionment of all moneys
 23 appropriated by the legislature for K-12 vocational
 24 education in accordance with the intent of the legislature
 25 as reflected in the terms of the appropriation;~~

1 ~~(7)~~ a basis for apportionment of all moneys
 2 received by the state of Montana for K-12 vocational
 3 education from the federal government in accordance with the
 4 acts of congress;

5 ~~(8)~~ a system of evaluation of K-12 vocational
 6 education which allows for consideration of the current and
 7 projected manpower needs and job opportunities; and

8 ~~(12)~~-the--tuition--and--fees--to--be--charged--at---the
 9 postsecondary---vocational-technical---centers,--based--upon
 10 legislative-appropriations-available-to--the--superintendent
 11 of-public-instruction-for-postsecondary-vocational-technical
 12 centers;

13 ~~(13)~~-the--allowable--costs--for-rental-of-buildings-for
 14 postsecondary-vocational-technical-center-purposes;

15 ~~(14)~~-guidelines-for--the--authority--delegated--by--the
 16 superintendent--of--public--instruction--to-the-local-school
 17 district--board--of--trustees--operating---a---postsecondary
 18 vocational-technical-center;--and

19 ~~(15)~~~~(9)~~ any other policy not inconsistent with public
 20 law and which is necessary for the proper operation of a
 21 system of K-12 vocational education."

22 Section 21. Section 20-7-302.1, MCA, is amended to
 23 read:

24 "20-7-302.1. State director of K-12 vocational
 25 education -- duties. There is a state director of K-12

1 vocational education appointed by the superintendent of
 2 public instruction. He must:

3 (1) administer the K-12 vocational education policies
 4 adopted by the superintendent of public instruction;

5 (2) prepare curriculum guides for superintendent of
 6 public instruction adoption;

7 (3) employ, with the confirmation of the
 8 superintendent of public instruction, the professional staff
 9 necessary for the state supervision and administration of
 10 K-12 vocational education;

11 (4) report the status of K-12 vocational education in
 12 the state of Montana when requested by the superintendent of
 13 public instruction;

14 (5) keep all K-12 vocational education records in his
 15 office;

16 (6) provide K-12 vocational education supervisory and
 17 consultative assistance to districts;

18 ~~(7)~~--provide---a---postsecondary---vocational-technical
 19 center---system---policy---and---procedural---handbook---for
 20 institutional-operations-that--will--standardize--operations
 21 among-the-centers;

22 ~~(8)~~--identify--and--direct--the--county-treasurer-in-those
 23 counties-where--postsecondary--vocational-technical--centers
 24 are--located-to-establish-the-necessary-mulfund-structures
 25 for--postsecondary--vocational-technical--center--financial

1 operations;

2 t9)--meet--with--the-chairman-of-the-board-of-trustees,
 3 the-district-superintendent,-and--center--director--of--each
 4 postsecondary--vocational-technical--center--at--least-twice
 5 each--year---to---discuss---recommended---changes---in---the
 6 superintendent---of---public---instruction's---policies--and
 7 procedures;

8 t10)--formulate-and--put--into--effect--uniform--fiscal,
 9 student,--staff,--and--program--accounting--systems--for-the
 10 postsecondary-vocational-technical-centers;

11 t11(7) prepare any necessary reports for the
 12 superintendent of public instruction or the legislature; and
 13 t12)--represent--the--postsecondary-vocational-technical
 14 center-system-to-state-agencies,--associations,--and--others
 15 when-appropriate;

16 t13)--recommend-a-staffing-pattern-for-the-postsecondary
 17 vocational-technical-centers;

18 t14)--provide---for---the--evaluation--of--programs--and
 19 services--within--each--postsecondary---vocational-technical
 20 center;

21 t15)--provide---for--evaluation--of--each--postsecondary
 22 vocational-technical-center's-ability-to-meet-employment-and
 23 student-vocational-technical-education-needs;--and

24 t16(8) perform any other duty assigned by the
 25 superintendent of public instruction."

1 Section 22. Section 20-7-303, MCA, is amended to read:
 2 "20-7-303. District--authorization Authorization to
 3 establish and maintain vocational education courses and
 4 programs. (1) The trustees of any an elementary or high
 5 school district, community-college-district,-or-unit-of--the
 6 Montana--university--system may establish and maintain a
 7 vocational education course or program that complies with
 8 the K-12 vocational education standards adopted by the
 9 superintendent of public instruction. The trustees of a
 10 community college district or a unit of the Montana
 11 university system may establish and maintain a postsecondary
 12 vocational-technical education course or program.

13 (2) In order for a course or program to be eligible
 14 for state or federal financing, it shall be approved by:

15 (a) the superintendent of public instruction for
 16 compliance with K-12 vocational education standards;
 17 (b) the board of vocational-technical institutes for
 18 compliance with postsecondary vocational-technical institute
 19 standards; or

20 (c) the board of regents for courses and programs
 21 offered by a unit of the Montana university system or by a
 22 community college."

23 Section 23. Section 20-7-311, MCA, is amended to read:
 24 "20-7-311. Postsecondary--vocational-technical--center
 25 Vocational-technical institute designation. (1)

1 Postsecondary-----vocational-technical-----centers
 2 Vocational-technical institutes shall be designated by the
 3 superintendent---of---public---instruction---only board of
 4 vocational-technical institutes upon direction of the
 5 legislature. Applications for designation must be made in
 6 accordance with the following procedure:

7 (a) The trustees of any high school district, of a
 8 county high school, of a community college district, or the
 9 governing-board-of-any-unit-of-the-Montana-university-system
 10 board of regents may submit an application for designation
 11 of a postsecondary vocational-technical center--to--be
 12 operated-by-such-trustees-or-governing-board institute. The
 13 application for designation shall be submitted in accordance
 14 with the time, data, and form requirements prescribed by the
 15 superintendent---of---public---instruction board of
 16 vocational-technical institutes. Applicant high school
 17 districts, county high schools, or community college
 18 districts shall be located in a county with a taxable
 19 valuation of at least \$45 million.

20 (b) Applications are to be presented to the
 21 superintendent-of-public-instruction:--The superintendent-of
 22 public-instruction board of vocational-technical institutes,
 23 which shall examine the application and draft
 24 recommendations. The application, together with all
 25 recommendations, shall be presented by the superintendent-of

1 public-instruction board of vocational-technical institutes
 2 to the next following legislature.
 3 (2) The superintendent-of-public-instruction board of
 4 vocational-technical institutes shall recognize the
 5 presently---designated---postsecondary vocational-technical
 6 centers-operated-by-the--respective--board--of--trustees--of
 7 institutes designated prior to July 1, ~~1986~~ 1987, in school
 8 district number 1 of Silver Bow County, high school district
 9 number 1 of Lewis and Clark County, high school district "A"
 10 of Cascade County, Missoula County high school, and high
 11 school district number 2 of Yellowstone County."

12 Section 24. Section 20-7-312, MCA, is amended to read:
 13 "20-7-312. Local administration of
 14 vocational-technical institute. (1) Subject to the
 15 requirements of the laws of the state of Montana and the
 16 policies and rules of the superintendent---of---public
 17 instruction---as---administered---by---the---state---director---of
 18 vocational-education, the board---of---trustees---operating---a
 19 postsecondary board of vocational-technical institutes, the
 20 director of each vocational-technical center institute has
 21 administrative and supervisory control of the institute and
 22 shall:

23 ~~to~~--employ--from--among--qualified--applicants,---a
 24 postsecondary-vocational-technical-center-director;
 25 ~~to~~(a) employ administrative personnel, faculty

1 members, and employees for the postsecondary
 2 vocational-technical center institute according to the
 3 policies and procedures rules of the board of trustees
 4 vocational-technical institutes;

5 ~~(b)~~ recommend, develop, and submit budgets a
 6 recommended budget for the postsecondary
 7 vocational-technical centers institute;

8 ~~(c)~~ establish and collect student tuition and fees;

9 ~~(d)~~ recommend to the superintendent--of--public
 10 instruction--through--the--state--director--of--vocational
 11 education board of vocational-technical institutes:

12 (i) proposals regarding postsecondary
 13 vocational-technical center institute programs, budgets,
 14 student services, and public service activities; and

15 (ii) campus development and program plans for
 16 individual postsecondary vocational-technical center
 17 institute buildings;

18 ~~(e)~~ manage buildings erected-and-equipped-on-leased
 19 grounds at the vocational-technical institute;

20 ~~(f)~~ receive and administer gifts and bequests to
 21 the postsecondary vocational-technical center institute
 22 according to a written plan submitted to the superintendent
 23 of--public--instruction board of vocational-technical
 24 institutes; and

25 ~~(g)~~ perform any other administrative

1 responsibilities duties not inconsistent with law and
 2 required by the superintendent-of-public-instruction board
 3 of vocational-technical institutes.

4 (2) The board-of--trustees--operating director of a
 5 postsecondary vocational-technical center institute may not
 6 enter into any contract that in any way creates a debt or
 7 obligation upon the state for the improvement or
 8 construction of postsecondary vocational-technical center
 9 institute buildings ~~on-leased-property~~."

10 Section 25. Section 20-7-314, MCA, is amended to read:
 11 "20-7-314. Lease or purchase of state property for
 12 postsecondary vocational-technical center institute
 13 purposes. (1) The state of Montana, acting by-and through
 14 the superintendent--of--public--instruction, is hereby
 15 empowered--and--authorized--to--enter--into--a board of
 16 vocational-technical institutes, may lease agreement for a
 17 term not to exceed 40 years ~~in-order-to-lease-to-a-district~~
 18 ~~operating-a-postsecondary--vocational-technical--center~~ any
 19 building or lands ~~owned-by-the-state-and-financed-in-whole~~
 20 ~~or-in-part-by-an-appropriation-made-by--the--legislature--of~~
 21 ~~the--state--of--Montana~~ for the--purpose--of--supporting--the
 22 ~~district's--postsecondary~~ a vocational-technical center
 23 institute. The--consideration--necessary--to--support--such--a
 24 ~~lease--may--be--nominal~~

25 (2) The superintendent-of-public-instruction is hereby

1 authorized-to-transfer-or-direct-transfer-of-title--held--by
 2 the-state-of-Montana-in-buildings-or-lands-financed-in-whole
 3 or-in-part-by-an-appropriation-by-the-state-legislature-to-a
 4 district--operating--a--postsecondary--vocational-technical
 5 center,--at-any-time-the-superintendent-of-public-instruction
 6 deems--such-transfer-to-be-in-the-best-interests-of-both--the
 7 state---and---the--district--involved,--provided--that--this
 8 authorization-extends-only-to-buildings-or-lands--which--are
 9 to---be---used---by---the---district---for---postsecondary
 10 vocational-technical--education--purposes. The state of
 11 Montana, acting through the board of postsecondary
 12 vocational-technical institutes and on request of a school
 13 district, may lease or purchase the equity or interest of
 14 the school district in any building, land, or other property
 15 at a vocational-technical institute on terms agreed to
 16 between the board of vocational-technical institutes and the
 17 school district. A purchase may be by lump-sum payment, time
 18 payments, the assumption of bonded indebtedness, or any
 19 other mutually agreeable method. Money received by a school
 20 district from the lease or sale under this subsection (2) of
 21 the school district's equity or interest in a building,
 22 land, or other property must be credited to the debt service
 23 fund, building fund, general fund, or any combination of
 24 these funds, at the discretion of the trustees of the school
 25 district."

1 Section 26. Section 20-7-322, MCA, is amended to read:
 2 "20-7-322. State treasurer custodian of vocational
 3 education moneys money. (1) The treasurer of the state of
 4 Montana is hereby designated as the custodian of all federal
 5 and state moneys money designated, appropriated, or
 6 apportioned for vocational education. All moneys money
 7 received from any federal or state source for the
 8 establishment, operation, or furtherance of vocational
 9 education in the state shall be deposited with the state
 10 treasurer. At the direction of the superintendent of public
 11 instruction, he shall disburse all moneys-appropriated-or
 12 money received for K-12 vocational education. At the
 13 direction of the board of regents, he shall disburse all
 14 money received for postsecondary vocational-technical
 15 education.
 16 (2) The state treasurer is the treasurer for all
 17 postsecondary vocational-technical centers institutes, and
 18 all money received by postsecondary vocational-technical
 19 centers institutes from any source shall be deposited in the
 20 state treasury pursuant to 17-6-105, unless the source of
 21 the money specifies deposit somewhere other than in the
 22 state treasury."
 23 Section 27. Section 20-7-324, MCA, is amended to read:
 24 "20-7-324. Sources of financing for postsecondary
 25 vocational-technical center institute budgets --

1 superintendent---of---public---instruction---administration
 2 distribution of funds. (1) The total of the
 3 vocational-technical institute budgets approved by the
 4 superintendent---of---public---instruction board of
 5 vocational-technical institutes, together with the budget
 6 for the cost of state administration of the postsecondary
 7 vocational-technical centers institutes, shall constitute
 8 the total maximum approved statewide budget, which shall be
 9 financed as follows:

10 (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 postsecondary
 13 vocational-technical education institutes in Montana.

14 (b) The board of county commissioners of each county
 15 in which a designated postsecondary vocational-technical
 16 center is located is hereby authorized to levy a tax of not
 17 to exceed 1-1/4 mills for calendar year 1979 and 1-1/2 mills
 18 thereafter on the dollar of all taxable property, real and
 19 personal, within the county for the support and maintenance
 20 of the postsecondary vocational-technical center located
 21 within the county.

22 (c) Designated postsecondary vocational-technical
 23 centers institutes shall be eligible to receive such funds
 24 from the federal government as the superintendent-of-public
 25 instruction board of vocational-technical institutes may

1 provide pursuant to applicable acts of congress.
 2 (d) The board of trustees of any designated high
 3 school-district or county high school district where a
 4 postsecondary vocational-technical center is located may be
 5 required, as a condition for the construction in that
 6 district of a postsecondary vocational-technical center, or
 7 any part thereof, to furnish up to 50% of the amount of
 8 funds required for any such construction. The percentage of
 9 construction funds to be furnished by the designated
 10 district shall be derived, in whole or in part, from any of
 11 the following sources:
 12 (i) the sale of bonds issued by that district (such
 13 bonds shall be issued in conformity with the requirements of
 14 chapter 9, part 4, of this title in the case of high school
 15 and county high school district);
 16 (ii) any other funds available to that district which
 17 may be legally and properly applied toward such
 18 construction;
 19 (iii) the reasonable value of land, buildings,
 20 fixtures, or equipment furnished by that district, subject
 21 to the approval of the superintendent of public instruction.
 22 (2) The superintendent of public instruction board of
 23 vocational-technical institutes shall direct the
 24 distribution of the funds specified in subsections (1) and
 25 subsection (1) on the basis of the budgets

1 approved by the superintendent-of-public-instruction board
 2 of vocational-technical institutes. The funds earned by the
 3 mill-levy-specified-in-subsection-(1)(b) shall be credited
 4 by----the----county----treasurer----to---the---postsecondary
 5 vocational-technical-center-fund.

6 (3)--The superintendent--of--public--instruction--shall
 7 determine--the--amount--of--financing--available--from--these--four
 8 sources--of--revenue--and--may--approve--budgets--for--maintenance
 9 and--operation,--construction,--and--ancillary--services. The
 10 aggregate--amount--of--the--budgets--so--approved---by---the
 11 superintendent--of--public--instruction--for--postsecondary
 12 vocational-technical-centers--shall--not--exceed--the--moneys
 13 determined--to--be--available."

14 Section 28. Section 20-7-325, MCA, is amended to read:
 15
 16 "20-7-325. Postsecondary--vocational-technical--center
 17 Vocational-technical institute funding -- nongeneral fund
 18 money expended first -- reversion of general fund money. (1)
 19 Whenever an approved postsecondary vocational-technical
 20 center institute under the provisions of 20-7-311 is
 21 operated within--a--district, the trustees--of--such--district
 22 board of vocational-technical institutes shall request the
 23 establishment of the appropriate accounts in the state
 24 treasury. These accounts shall be established in the
 25 appropriate state treasury funds as determined by the
 department of administration. All money prescribed and

1 received under the provisions of 20-7-324 shall be credited
 2 to these accounts. The expenditure of the money deposited in
 3 the state treasury shall be made in accordance with
 4 procedures established by the department of administration.
 5 Such expenditures shall be made under the budget and for the
 6 programs approved by the superintendent--of--public
 7 instruction--under--the--provisions--of--20-7-323 board of
 8 vocational-technical institutes and the financial
 9 administration provisions of this title.

10 (2) A postsecondary vocational-technical center
 11 institute shall apply expenditures against nongeneral fund
 12 money wherever possible before using state general fund
 13 appropriations. All state general fund money appropriated or
 14 disbursed to a postsecondary vocational-technical center
 15 institute which are unexpended at fiscal year end shall
 16 revert to the state general fund.

17 (3)--The----approval----of----the----postsecondary
 18 vocational-technical--center--budget--and--subsequent--revision
 19 or--amendment--of--such--budget--by--the--superintendent--of--public
 20 instruction--shall--constitute--the--final--budget--approva--

21 (4)--Whenever----the----county----tax---prescribed---in
 22 20-7-324(1)(b) is to be used in support of the postsecondary
 23 vocational-technical-center, the county--commissioners--are
 24 authorized--to--levy--such--tax--on--the--county--in--accordance--with
 25 the provisions of 20-9-142."

1 Section 29. Section 20-7-327, MCA, is amended to read:
 2 "20-7-327. Source of financing for postsecondary
 3 vocational-technical center institute facility maintenance.
 4 The source of funds for maintenance, remodeling, and
 5 renovation of postsecondary vocational-technical center
 6 institute facilities may be either local funds federal funds
 7 or state funds specifically appropriated by the legislature
 8 and approved by the superintendent--of--public--instruction
 9 board of vocational-technical institutes, or any combination
 10 of these funds."

11 Section 30. Section 20-7-332, MCA, is amended to read:
 12 "20-7-332. Tuition rates. (1) Tuition may be charged
 13 to any resident or nonresident of the state of Montana by
 14 the governing--board director of any postsecondary
 15 vocational-technical center institute at rates to be
 16 determined by the superintendent--of--public--instruction
 17 board of vocational-technical institutes. The superintendent--of
 18 public--instruction board of vocational-technical institutes
 19 shall also prescribe permissible uses for any tuition
 20 authorized.

21 (2) For the purposes of this section the eligibility
 22 of a student for resident status shall be determined in the
 23 same manner as that prescribed for use by the Montana
 24 university system, except that those provisions referring to
 25 "high school graduates" or "graduation from high school"

1 shall be considered to refer to a person who has attended
 2 school or who was in attendance at a school."
 3 Section 31. Section 20-7-333, MCA, is amended to read:
 4 "20-7-333. Pupil Student fees and disposition of
 5 collected fees. (1) Fees for the use of equipment and
 6 material used in instruction may be charged by the trustees
 7 or other--governing--board director of the postsecondary
 8 vocational-technical center institute. The superintendent--of
 9 public--instruction board of vocational-technical institutes
 10 shall prescribe the basis bases and limitations for the
 11 charging of such fees.

12 (2) Fees collected by the postsecondary
 13 vocational-technical center institute shall be deposited
 14 with the state treasurer in the fund designated by the
 15 superintendent--of--public--instruction board of
 16 vocational-technical institutes for the receipt of such
 17 fees. The expenditure of the fees shall not be subject to
 18 budget limitations and shall be in addition to the program
 19 budgets approved by the superintendent--of--public--instruction
 20 board of vocational-technical institutes."

21 Section 32. Section 20-9-403, MCA, is amended to read:
 22 "20-9-403. Bond issues for certain purposes. (1) The
 23 trustees of a school district may issue and negotiate bonds
 24 on the credit of the school district for the purpose of:
 25 (a) building, altering, repairing, buying, furnishing,

1 equipping, purchasing lands for, and/or obtaining a water
 2 supply for a school, teacherage, dormitory, gymnasium, other
 3 building, or combination of said buildings for school
 4 purposes;---including---postsecondary---vocational-technical
 5 centers-in-the-school-district;

6 (b) buying a school bus or buses;

7 (c) providing the necessary money to redeem matured
 8 bonds, maturing bonds, or coupons appurtenant to bonds when
 9 there is not sufficient money to redeem them;

10 (d) providing the necessary money to redeem optional
 11 or redeemable bonds when it is for the best interest of the
 12 school district to issue refunding bonds; or

13 (e) funding a judgment against the district.

14 (2) Any money realized from the sale of any bonds
 15 issued on the credit of a high school district shall not be
 16 used for any of the above purposes in an elementary school
 17 district, and such money may be used for any of the above
 18 purposes for a junior high school but only to the extent
 19 that the 9th grade of the high school is served thereby."

20 Section 33. Section 20-9-513, MCA, is amended to read:

21 "20-9-513. Postsecondary---vocational-technical---center
 22 Vocational-technical institute and adult basic education
 23 programs account established. There is within the state
 24 special revenue fund a postsecondary vocational-technical
 25 center institute and adult basic education account. Money is.

1 paid into the account under 90-6-211. The state treasurer
 2 shall draw warrants payable from this account upon order of
 3 the superintendent of public instruction or the board of
 4 vocational-technical institutes up to the amount provided
 5 for each under 90-6-211 by the biennial budget passed by the
 6 legislature."

7 Section 34. Section 20-9-603, MCA, is amended to read:

8 "20-9-603. Acceptance and expenditure of federal
 9 moneys for state. (1) (a) The governor and the
 10 superintendent of public instruction are authorized on
 11 behalf of the state of Montana to request and accept such
 12 moneys as are now or will be made available under any act of
 13 congress of the United States or otherwise for purposes of
 14 public school building construction or for any other
 15 purposes of public schools and public education as permitted
 16 under the laws of the state of Montana and as authorized by
 17 the grants from the federal government. Such moneys shall be
 18 deposited by the governor and superintendent of public
 19 instruction in the state treasury and are appropriated and
 20 made available to the superintendent of public instruction.
 21 All such moneys shall be expended for the purpose of public
 22 school building construction or for any other purposes of
 23 public schools and public education as permitted under the
 24 laws of the state of Montana and as authorized by the grants
 25 from the federal government.

1 ~~t37~~(b) The governor and superintendent of public
 2 instruction are further authorized on behalf of the state of
 3 Montana to accept moneys provided from federal sources for
 4 the express purpose of distribution to nonpublic education.
 5 Such moneys shall be deposited by the governor and
 6 superintendent of public instruction in the state treasury
 7 and are appropriated and made available to the
 8 superintendent of public instruction. All such moneys shall
 9 be distributed in the manner provided by the laws of the
 10 state of Montana and as authorized or expressed by grants
 11 from the federal government.

12 ~~t37~~(c) All expenditures of moneys from federal sources
 13 under this section subsection (1) shall be made under the
 14 supervision and in the discretion of the superintendent of
 15 public instruction. Any balance in the account in which such
 16 moneys are maintained shall not lapse at any time but shall
 17 be continuously available to the superintendent of public
 18 instruction for expenditures consistent with this title and
 19 acts of the federal government.

20 (2) (a) The governor and the board of regents are
 21 authorized on behalf of the state of Montana to request and
 22 accept such moneys as are now or will be made available
 23 under any act of congress of the United States or otherwise
 24 for purposes of postsecondary vocational-technical education
 25 building construction or for any other purposes of

1 postsecondary vocational-technical education as permitted
 2 under the laws of the state of Montana and as authorized by
 3 the grants from the federal government. Such moneys shall be
 4 deposited by the governor and the board of regents in the
 5 state treasury and are appropriated and made available to
 6 the board of vocational-technical institutes or the board of
 7 regents. All such moneys shall be expended for the purpose
 8 of postsecondary vocational-technical education building
 9 construction or for any other purposes of postsecondary
 10 vocational-technical education as permitted under the laws
 11 of the state of Montana and as authorized by the grants from
 12 the federal government.

13 (b) The governor and the board of regents are further
 14 authorized on behalf of the state of Montana to accept
 15 moneys provided from federal sources for the express purpose
 16 of distribution to nonpublic postsecondary
 17 vocational-technical education. Such moneys shall be
 18 deposited by the governor and the board of regents in the
 19 state treasury. All such moneys shall be distributed in the
 20 manner provided by the laws of the state of Montana and as
 21 authorized or expressed by grants from the federal
 22 government.

23 (c) All expenditures of moneys from federal sources
 24 under this subsection (2) shall be made under the
 25 supervision and in the discretion of the board of regents.

1 Any balance in the account in which such moneys are
 2 maintained shall not lapse at any time but shall be
 3 continuously available to the board of regents for
 4 expenditures consistent with this title and acts of the
 5 federal government."

6 Section 35. Section 20-25-701, MCA, is amended to
 7 read:

8 "20-25-701. Definitions and purpose. (1) As used in
 9 this part, unless the context otherwise requires, the
 10 following definitions apply:

11 (a) "Institution" means any public institution of
 12 postsecondary education governed, supervised, or coordinated
 13 by the board of regents of higher education or by the board
 14 of vocational-technical institutes.

15 (b) "Student" means any Montana resident, as
 16 established by the board of regents of higher education or
by the board of vocational-technical institutes, who has met
 18 the qualifications for enrollment as a full-time student at
 19 an institution or who is presently enrolled as a full-time
 20 student in good standing, as determined by the institution.

21 (2) It is the purpose of this part to help ensure that
 22 no resident of Montana be denied attendance at institutions
 23 governed, supervised, or coordinated by the board of regents
 24 of higher education or by the board of vocational-technical
 25 institutes because of financial barriers and further to

1 provide low-cost supplemental assistance for all governing
 2 units within Montana. The legislature intends that any
 3 Montana resident wishing to gain admittance to such
 4 institutions in Montana, within necessary budgetary
 5 limitations as provided by law, shall be allowed the
 6 opportunity to earn in part or in total sufficient money to
 7 pay the costs accompanying such attendance through
 8 employment by state and local governing units and certain
 9 public interest organizations."

10 Section 36. Section 39-71-118, MCA, is amended to
 11 read:

12 "39-71-118. Employee, worker, and workman defined. (1)
 13 The terms "employee", "workman", or "worker" mean:

14 (a) each person in this state, including a contractor
 15 other than an independent contractor, who is in the service
 16 of an employer, as defined by 39-71-117, under any
 17 appointment or contract of hire, expressed or implied, oral
 18 or written. The terms include aliens and minors, whether
 19 lawfully or unlawfully employed, and all of the elected and
 20 appointed paid public officers and officers and members of
 21 boards of directors of quasi-public or private corporations
 22 while rendering actual service for such corporations for
 23 pay. Casual employees as defined by 39-71-116(3) are
 24 included as employees if they are not otherwise covered by
 25 workers' compensation and if an employer has elected to be

1 bound by the provisions of the compensation law for these
 2 casual employments, as provided in 39-71-401(2). Household
 3 or domestic service is excluded.

4 (b) a recipient of general relief who is performing
 5 work for a county of this state under the provisions of
 6 53-3-302 through 53-3-305 and any juvenile performing work
 7 under authorization of a district court judge in a
 8 delinquency prevention or rehabilitation program;

9 (c) a person receiving on-the-job vocational
 10 rehabilitation training or other on-the-job training under a
 11 state or federal vocational training program, whether or not
 12 under an appointment or contract of hire with an employer as
 13 defined in this chapter and whether or not receiving payment
 14 from a third party. However, this subsection does not apply
 15 to students enrolled in vocational training programs as
 16 outlined above while they are on the premises of a public
 17 school or community college; or

18 (d) students enrolled and in attendance in programs of
 19 vocational--technical postsecondary vocational-technical
 20 education approved-by-the-state-board-of-public-education at
 21 designated postsecondary---vocational---technical--centers
vocational-technical institutes.

22 (2) If the employer is a partnership or sole
 23 proprietorship, such employer may elect to include as an
 24 employee within the provisions of this chapter any member of

1 such partnership or the owner of the sole proprietorship
 2 devoting full time to the partnership or proprietorship
 3 business. In the event of such election, the employer must
 4 serve upon the employer's insurer written notice naming the
 5 partners or sole proprietor to be covered, and no partner or
 6 sole proprietor shall be deemed an employee within this
 7 chapter until such notice has been given. For premium
 8 ratemaking and for the determination of weekly wage for
 9 weekly compensation benefits, the insurance carrier shall
 10 assume a salary or wage of such electing employee to be not
 11 less than \$900 a month and not more than 1 1/2 times the
 12 average weekly wage as defined in this chapter."

13 Section 37. Section 90-6-211, MCA, is amended to read:

14 "90-6-211. Disposition of interest from unexpended
 15 balance. The unexpended balance in the local impact and
 16 education trust fund account shall be invested as provided
 17 by statute by the board of investments. Of the income from
 18 such investments each year 10% shall be paid into the state
 19 special revenue fund for use by the superintendent of public
 20 instruction for purposes of the ~~the---postsecondary~~
 21 ~~vocational-technical--centers--and adult basic education~~
 22 ~~programs in the state, subject to the budgeting authority of~~
 23 ~~the---legislature and for use by the board of~~
 24 ~~vocational-technical institutes for vocational-technical~~
institute programs in the state, as provided in the biennium

1 budget passed by the legislature. Within the account under
 2 20-9-513, the revenue is shared between the postsecondary
 3 vocational-technical centers institutes and the adult basic
 4 education programs as provided in the biennium budget passed
 5 by the legislature. Of the remaining 90% of the income from
 6 such investments, three-fourths shall be annually paid into
 7 the state special revenue fund for state equalization aid to
 8 public schools of the state and one-fourth each year shall
 9 be paid to the board of regents of higher education for use
 10 by the institutions of higher learning in the state, subject
 11 to the budgeting authority of the legislature. Except as
 12 provided in 90-6-205(4), the principal of the local impact
 13 and educational trust fund shall be dedicated to education
 14 and forever remain inviolate and sacred to this purpose as
 15 provided in sections 3 and 10 of Article X of the Montana
 16 constitution."

17 NEW SECTION. Section 38. Repealer. Sections 20-7-323,
 18 20-7-326, 20-9-404, and 20-9-405, MCA, are repealed.

19 NEW SECTION. Section 39. Initial appointment and
 20 terms of members of board of vocational-technical
 21 institutes. Initial appointments to the board of
 22 vocational-technical institutes must be made within 30 days
 23 after [the effective date of this section]. Two initial
 24 appointees shall serve for 4 years, two shall serve for 5
 25 years, two shall serve for 6 years, and one shall serve for

1 7 years.

2 NEW SECTION. Section 40. Extension of authority. Any
 3 existing authority of the superintendent of public
 4 instruction to make rules on the subject of the provisions
 5 of this act is extended to the provisions of this act.

6 NEW SECTION. Section 41. Codification instruction.
 7 Sections 2 through 5 are intended to be codified as an
 8 integral part of Title 20, chapter 7, part 3, and the
 9 provisions of Title 20 apply to sections 2 through 5.

10 NEW SECTION. Section 42. Code commissioner name
 11 change. In all sections of the Montana Code Annotated not
 12 contained in this act and in all provisions passed by the
 13 49th legislature wherein reference is made to a
 14 postsecondary vocational-technical center, the code
 15 commissioner shall change the reference to
 16 vocational-technical institute.

17 NEW SECTION. Section 43. Effective dates. (1)
 18 Sections 1, 3, 4 through 6, 11 through 14, 39, and this
 19 section are effective on-passage--and--approval JANUARY 1,
 20 1986.

21 (2) Sections 2, 7 through 10, 15 through 38, and 40
 22 through 42 are effective July 1, 1986 1987.

-End-