

HOUSE BILL NO. 39

INTRODUCED BY DONALDSON, BLAYLOCK, RASMUSSEN, LORY,
M. WILLIAMS, REAM, MCCALLUM, MAZUREK, GRADY, EUDAILY

BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE
ON VO-TECHS/JOB TRAINING

IN THE HOUSE

JANUARY 5, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON EDUCATION & CULTURAL RESOURCES.

JANUARY 8, 1987 ON MOTION BY CHIEF SPONSOR, SENATORS
MCCALLUM AND MAZUREK AND REPRESENTATIVES
GRADY AND EUDAILY ADDED AS SPONSORS.

JANUARY 12, 1987 ON MOTION BY CHIEF SPONSOR, SENATORS
BLAYLOCK AND RASMUSSEN AND
REPRESENTATIVES LORY, WILLIAMS, AND
REAM ADDED AS SPONSORS.

FEBRUARY 10, 1987 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

STATEMENT OF INTENT ADOPTED.

FEBRUARY 11, 1987 PRINTING REPORT.

FEBRUARY 14, 1987 SECOND READING, DO PASS AS AMENDED.

FEBRUARY 16, 1987 ENGROSSING REPORT.

FEBRUARY 17, 1987 THIRD READING, PASSED.
AYES, 77; NOES, 22.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 19, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON EDUCATION & CULTURAL RESOURCES.

MARCH 24, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 27, 1987 ON MOTION, CONSIDERATION PASSED FOR THE DAY.

MARCH 28, 1987 SECOND READING, CONCURRED IN.

MARCH 30, 1987 THIRD READING, CONCURRED IN.
AYES, 30; NOES, 20.

ON MOTION, RECONSIDER ACTION ON HB NO. 39.

ON MOTION, RULES SUSPENDED TO RETURN HB NO. 39 TO THIRD READING THIS DAY.

THIRD READING, NOT CONCURRED IN.
AYES, 25; NOES, 25.

MARCH 31, 1987 ON MOTION, RECONSIDER ACTION ON HB NO. 39.

ON MOTION, PLACED ON THIRD READING.

APRIL 1, 1987 THIRD READING, CONCURRED IN.
AYES, 35; NOES, 15.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 7, 1987 RECEIVED FROM SENATE.

ON MOTION, CONSIDERATION PASSED FOR THE DAY.

APRIL 8, 1987 ON MOTION, CONSIDERATION PASSED FOR THE DAY.

APRIL 9, 1987 SECOND READING, AMENDMENTS CONCURRED IN.

APRIL 10, 1987 THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

APRIL 15, 1987 ENROLLING REPORT.

SIGNED BY SPEAKER.

IN THE SENATE

APRIL 16, 1987

SIGNED BY PRESIDENT.

IN THE HOUSE

APRIL 16, 1987

DELIVERED TO GOVERNOR.

APRIL 21, 1987

RETURNED FROM GOVERNOR WITH
RECOMMENDED AMENDMENTS.

APRIL 22, 1987

SECOND READING, GOVERNOR'S RECOM-
MENDED AMENDMENTS CONCURRED IN.

THIRD READING, GOVERNOR'S RECOM-
MENDED AMENDMENTS CONCURRED IN.

TRANSMITTED TO SENATE.

IN THE SENATE

APRIL 23, 1987

SECOND READING, GOVERNOR'S RECOM-
MENDED AMENDMENTS CONCURRED IN.

THIRD READING, GOVERNOR'S RECOM-
MENDED AMENDMENTS CONCURRED IN.

RETURNED TO HOUSE.

IN THE HOUSE

APRIL 23, 1987

RECEIVED FROM SENATE.

SENT TO ENROLLING.

1 HOUSE BILL NO. 39
 2 INTRODUCED BY DONALDSON
 3 BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE
 4 ON VO-TECHS/JOB TRAINING

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING GOVERNANCE
 7 OF THE POSTSECONDARY VOCATIONAL-TECHNICAL CENTERS TO THE
 8 BOARD OF REGENTS OF HIGHER EDUCATION; RENAMING POSTSECONDARY
 9 VOCATIONAL-TECHNICAL CENTERS AS VOCATIONAL-TECHNICAL
 10 CENTERS; AMENDING SECTIONS 19-4-302, 20-1-101, 20-3-103,
 11 20-3-106, 20-6-501, 20-7-301, 20-7-302.1, 20-7-303,
 12 20-7-311, 20-7-312, 20-7-314, 20-7-322, 20-7-324, 20-7-325,
 13 20-7-327, 20-7-332, 20-7-333, 20-9-403, 20-9-513, 39-71-118,
 14 AND 90-6-211, MCA; REPEALING SECTIONS 20-7-304, 20-7-313,
 15 20-7-323, 20-7-326, 20-7-331, 20-9-404, AND 20-9-405, MCA;
 16 AND PROVIDING AN EFFECTIVE DATE."

17
 18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

19 NEW SECTION. Section 1. Powers and duties of board of
 20 regents. The board of regents has general administrative and
 21 supervisory control over vocational-technical center
 22 education and shall:

23 (1) establish and when necessary amend a plan for the
 24 orderly development of vocational-technical center education
 25 that is consistent with federal and state law, controlled to

1 prevent unnecessary duplication, and funded to ensure
 2 necessary growth and quality education;
 3 (2) adopt standards for courses and programs;
 4 (3) implement a review process for establishing and
 5 deleting programs and courses that recognizes the present
 6 and future needs of employers and provides qualified
 7 graduates for positions for which there is or may in the
 8 near future be a demand;
 9 (4) establish student entrance and graduation
 10 requirements;
 11 (5) appoint a director, to serve at the pleasure of
 12 the board, for each vocational-technical center and
 13 establish minimum qualifications for faculty, directors,
 14 administrative staff, and other personnel;
 15 (6) appoint a commissioner of vocational-technical
 16 center education, to serve at the pleasure of the board;
 17 (7) establish student tuition and prescribe the bases
 18 and limitations for charging of fees, taking into account
 19 funding available from all other sources;
 20 (8) determine the amount to be paid for the lease of
 21 buildings;
 22 (9) adopt budget requests for the vocational-technical
 23 center education system;
 24 (10) establish a procedure by which students can
 25 receive part of their education and training through



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1 programs, courses, and on-the-job training offered by the
2 private sector and not available at the centers;

3 (11) establish a procedure by which qualified persons
4 in the private sector can participate in the training and
5 teaching of students in the centers' classrooms when such
6 persons have training, knowledge, and skills not available
7 through the centers' faculty;

8 (12) provide means by which the centers' faculty can
9 obtain advanced education and training in new areas and
10 either be reimbursed for their expenses or raised to a
11 higher salary level, or both;

12 (13) establish for the various centers uniform policies
13 for recordkeeping; financial transactions; accounting;
14 maintenance; recruiting, guidance, and placement of
15 students; examinations; personnel relations; and other
16 matters as determined by the board;

17 (14) negotiate with the bargaining representative for
18 personnel of each center or the personnel of the center
19 system in a manner consistent with state and federal law;

20 (15) work with other institutions of higher education
21 to implement the transfer of course credits between those
22 institutions and the vocational-technical centers; and

23 (16) adopt rules and procedures to implement this
24 section and to carry out any other powers and duties of the
25 board.

1 NEW SECTION. Section 2. Sole state agency for federal
2 vocational education requirements. The board of regents is
3 the sole state agency for purposes of the 1985 federal Carl
4 D. Perkins Vocational Education Act, 44 U.S.C. 2301, et
5 seq., which requires a state participating in programs under
6 that act to designate a state board or agency as the sole
7 state agency responsible for administration or supervision
8 of the administration of those programs.

9 NEW SECTION. Section 3. Local advisory boards. The
10 board of trustees of a school district in which a
11 vocational-technical center is located shall appoint a local
12 advisory board, composed of at least five residents of the
13 county where the center is located, to act in an advisory
14 capacity to the center and the board of regents.

15 NEW SECTION. Section 4. Duties of the commissioner of
16 vocational-technical center education. The commissioner of
17 vocational-technical center education shall, under the rules
18 and policies of the board of regents:

19 (1) be the chief administrative officer for the board
20 of regents for the administration of its
21 vocational-technical center rules and policies;

22 (2) employ, within the limits of any legislative
23 appropriation and with the confirmation of the board of
24 regents, the staff necessary for the state supervision and
25 administration of the board's vocational-technical center

1 rules and policies;

2 (3) provide supervisory and consultative assistance to
3 centers;

4 (4) report the status of vocational-technical center
5 education in Montana when requested by the board of regents;
6 and

7 (5) perform any other duties assigned by the board of
8 regents.

9 NEW SECTION. Section 5. Existing center employees.

10 (1) The rights of persons employed by a vocational-technical
11 center under a collective bargaining agreement in effect
12 prior to July 1, 1989, may not be impaired.

13 (2) A person employed by a center under a school
14 district on June 30, 1989, becomes an employee of the board
15 of regents on July 1, 1989.

16 (3) Following [the effective date of this section],
17 the employees of any center may apply to the board of
18 personnel appeals for determination of the appropriate
19 bargaining unit or units for the purposes of collective
20 bargaining for a contract or contracts to be negotiated with
21 the board of regents prior to July 1, 1989.

22 (4) If a person is employed by a center in any
23 capacity on July 1, 1989, and has accumulated sick,
24 vacation, or other leave and years of service with a school
25 district, such leave and years of service shall be

1 transferred fully regardless of the length of employment
2 with the district in which the center is located.

3 Section 6. Section 19-4-302, MCA, is amended to read:

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

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

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

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, 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
25 capacity prescribed by (a), (b), or (c) of this subsection

1 (1);

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

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

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

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

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

18 Section 7. Section 20-1-101, MCA, is amended to read:

19 "20-1-101. Definitions. As used in this title, unless
20 the context clearly indicates otherwise, the following
21 definitions apply:

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

25 (2) "Average number belonging" or "ANB" shall mean the

1 average number of regularly enrolled, full-time pupils
2 attending the public schools of a district.

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

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

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

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

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

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

23 ~~{8}--"Postsecondary--vocational--technical--center"--means~~
24 ~~a--school--used--principally--for--the--provision--of--postsecondary~~
25 ~~vocational--technical--education--to--persons--who--qualify--as~~

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

5 ~~{9} "Postsecondary vocational technical education"~~
 6 ~~means vocational technical education of postsecondary~~
 7 ~~vocational technical pupils which is conducted by a~~
 8 ~~postsecondary vocational technical center or other programs~~
 9 ~~as designated by the superintendent of public instruction.~~
 10 ~~Postsecondary vocational technical education shall include~~
 11 ~~the 13th and 14th year and beyond but will not include work~~
 12 ~~toward a baccalaureate degree.~~

13 ~~{10} "Postsecondary vocational technical pupil" means a~~
 14 ~~person who has completed or left school, is at least 16~~
 15 ~~years of age, and is available for study in preparation for~~
 16 ~~entering the labor market, for reentering the labor market,~~
 17 ~~or for employment stability or advancement in employment.~~

18 ~~{11}(9) "Principal" means any person who holds a valid~~
 19 ~~class 3 Montana teacher certificate with an applicable~~
 20 ~~principal's endorsement that has been issued by the~~
 21 ~~superintendent of public instruction under the provisions of~~
 22 ~~this title and the policies adopted by the board of public~~
 23 ~~education and who has been employed by a district as a~~
 24 ~~principal. For the purposes of this title, any reference to~~
 25 ~~a teacher shall be construed as including a principal, as~~

1 herein defined.

2 ~~{12}(10) "Pupil" means any child who is 6 years of age~~
 3 ~~or older on or before September 10 of the year in which the~~
 4 ~~child is to enroll or has been enrolled by special~~
 5 ~~permission of the board of trustees under 20-5-101(3) but~~
 6 ~~has not yet reached his 19th birthday and who is enrolled in~~
 7 ~~a school established and maintained under the laws of the~~
 8 ~~state of Montana at public expense.~~

9 ~~{13}(11) "Pupil instruction" means the conduct of~~
 10 ~~organized instruction of pupils enrolled in public schools~~
 11 ~~while under the supervision of a teacher.~~

12 ~~{14}(12) "Regents" means the board of regents of higher~~
 13 ~~education.~~

14 ~~{15}(13) "School food services" means a service of~~
 15 ~~providing food for the pupils of a district on a nonprofit~~
 16 ~~basis and shall include any food service financially~~
 17 ~~assisted through funds or commodities provided by the United~~
 18 ~~States government.~~

19 ~~{16}(14) "The state board of education" is the board~~
 20 ~~composed of the board of public education and the board of~~
 21 ~~regents as specified in Article X, section 9, subsection~~
 22 ~~(1), of the 1972 Montana constitution.~~

23 ~~{17}(15) "State university" means the Montana state~~
 24 ~~university, located at Bozeman.~~

25 ~~{18}(16) "Superintendent of public instruction" means~~

1 that state government official designated as a member of the
2 executive branch by the constitution of Montana.

3 ~~{19}~~{17} "System" means the Montana university system.

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

14 ~~{21}~~{19} "Textbook" means a book or manual used as a
15 principal source of study material for a given class or
16 group of students.

17 ~~{22}~~{20} "Textbook dealer" means any party, company,
18 corporation, or other organization selling, offering to
19 sell, or offering for adoption textbooks to districts in the
20 state of Montana.

21 ~~{23}~~{21} "Trustees" means the governing board of a
22 district.

23 ~~{24}~~{22} "University" means the university of Montana,
24 located at Missoula.

25 ~~{25}~~{23} "Vocational education" means the instruction

1 to prepare or improve the pupil for gainful employment that
2 does not require a baccalaureate or higher degree. This
3 definition of vocational education shall include guidance
4 and prevocational, related, or technical instruction
5 necessary to prepare the pupil for further vocational
6 education or for entry into employment.

7 {24} "Vocational-technical center" means an institution
8 used principally for the provision of vocational-technical
9 education to persons who qualify as vocational-technical
10 students. These centers are designated by the board of
11 regents upon direction by the legislature. All other public
12 or private institutions or schools are hereby prohibited
13 from using this title.

14 {25} "Vocational-technical education" means
15 vocational-technical education of vocational-technical
16 students that is conducted by a vocational-technical center,
17 a unit of the Montana university system, or a community
18 college as designated by the board of regents."

19 Section 8. Section 20-3-103, MCA, is amended to read:

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

1 of office provided by law for other state officers before
2 entering upon the performance of his duties.

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

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

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

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

18 Section 9. Section 20-3-106, MCA, is amended to read:

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

24 (1) resolve any controversy resulting from the
25 proration of costs by a joint board of trustees under the

1 provisions of 20-3-362;

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

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

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

8 (5) approve or disapprove the orders of a high school
9 boundary commission in accordance with the provisions of
10 20-6-311;

11 (6) approve or disapprove the opening or reopening of
12 a school in accordance with the provisions of 20-6-502,
13 20-6-503, 20-6-504, or 20-6-505;

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

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

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

24 (10) approve or disapprove the adoption of a district's
25 emergency budget resolution under the conditions prescribed

1 in 20-9-163 and publish rules for an application for
2 additional state aid for an emergency budget in accordance
3 with the approval and disbursement provisions of 20-9-166;

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

6 (12) prescribe and furnish the annual report forms to
7 enable the districts to report to the county superintendent
8 in accordance with the provisions of 20-9-213(5) and the
9 annual report forms to enable the county superintendents to
10 report to the superintendent of public instruction in
11 accordance with the provisions of 20-3-209;

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

15 (14) distribute state equalization aid in support of
16 the foundation program in accordance with the provisions of
17 20-9-342, 20-9-346, and 20-9-347;

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

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

23 (17) 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 (18) request, accept, deposit, and expend federal
2 moneys in accordance with the provisions of 20-9-603;

3 (19) 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 (20) prescribe the form and contents of and approve or
7 disapprove interstate contracts in accordance with the
8 provisions of 20-9-705;

9 (21) 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 (22) 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 (23) 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 (24) establish and maintain a library of visual, aural,
21 and other educational media in accordance with the
22 provisions of 20-7-201;

23 (25) 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 (26) 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 ~~†27†-consider-applications-for--the--designation--of--a~~
 6 ~~postsecondary-vocational-technical-center-in-accordance-with~~
 7 ~~the-provisions-of-20-7-311;~~

8 ~~†28†-establish-a-fund-for-the-handling-of-postsecondary~~
 9 ~~vocational-technical--center--fees--in--accordance--with-the~~
 10 ~~provisions-of-20-7-333;~~

11 †29†(27) supervise and coordinate the conduct of
 12 special education in the state in accordance with the
 13 provisions of 20-7-403;

14 †30†(28) administer the traffic education program in
 15 accordance with the provisions of 20-7-502;

16 ~~†31†~~(29) 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 ~~†32†~~(30) review school building plans and
 20 specifications in accordance with the provisions of
 21 20-6-622;

22 ~~†33†~~(31) 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 ~~†34†~~(32) 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 10. Section 20-6-501, MCA, is amended to read:

4 "20-6-501. Definition of various schools. As used in
 5 this title, unless the context clearly indicates otherwise,
 6 the term "school" means an institution for the teaching of
 7 children that is established and maintained under the laws
 8 of the state of Montana at public expense. The trustees of
 9 any district shall designate the grade assignments for the
 10 schools of the district, but for the purposes of this title
 11 each school shall be known as:

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

21 (2) a high school when it comprises the work of one or
 22 more grades of schoolwork or their equivalents intermediate
 23 between the elementary schools and the institutions of
 24 higher education of the state of Montana. Types of high
 25 schools shall be designated as follows:

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

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

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

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

14 (e) a county high school is a 4-year high school
15 operated as an agency of county government and established
16 under the provisions of the acts of March 3, 1899, March 14,
17 1901, and any subsequent amendments thereto;

18 ~~{F}-a-postsecondary-vocational-technical-center~~
19 ~~established-under-the-provisions-of-20-7-311."~~

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

21 "20-7-301. Duties of the superintendent of public
22 instruction. The superintendent of public instruction shall
23 be the governing agent and executive officer of the state of
24 Montana for K-12 vocational education. The superintendent of
25 public instruction shall adopt and administer policies to

1 effect the orderly development of a system of K-12
2 vocational education that is adaptable to changing needs,
3 controlled to prevent unnecessary duplication, coordinated
4 with federal guidelines and requirements for vocational
5 education, and funded to ensure growth and quality
6 programming. In order to accomplish the orderly development
7 of a system of K-12 vocational education, the superintendent
8 of public instruction policies shall include:

9 (1) a state plan for such development;

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

12 ~~{3}-the-minimum-requirements-for-granting~~
13 ~~postsecondary-vocational-technical-certificates-to-students;~~

14 ~~{4}{3}~~ a review process for the establishment and
15 deletion of programs;

16 ~~{5}-the-necessary-qualifications-that-a-postsecondary~~
17 ~~vocational-technical-center-director-must-possess;~~

18 ~~{6}{4}~~ instructor qualifications for K-12 vocational
19 education courses and programs;

20 ~~{7}{5}~~ criteria for approval of K-12 vocational
21 education courses and programs ~~which-are-to-receive~~
22 ~~financial-assistance;~~

23 ~~{8}-criteria-for-receiving,reviewing,and~~
24 ~~transmitting-recommendations-on-postsecondary~~
25 ~~vocational-technical-center-operations-and-budget-requests~~

1 ~~to the legislature;~~
 2 †9†(6) a basis for apportionment of all moneys
 3 appropriated by the legislature for K-12 vocational
 4 education in accordance with the intent of the legislature
 5 as reflected in the terms of the appropriation;
 6 †10†(7) a basis for apportionment of all moneys
 7 received by the state of Montana for K-12 vocational
 8 education from the federal government in accordance with the
 9 acts of congress;
 10 †11†(8) a system of evaluation of K-12 vocational
 11 education which allows for consideration of the current and
 12 projected manpower needs and job opportunities; and
 13 †12†~~the---tuition---and---fees---to---be---charged---at---the~~
 14 ~~postsecondary---vocational---technical---centers;---based---upon~~
 15 ~~legislative---appropriations---available---to---the---superintendent~~
 16 ~~of---public---instruction---for---postsecondary---vocational---technical~~
 17 ~~centers;~~
 18 †13†~~the---allowable---costs---for---rental---of---buildings---for~~
 19 ~~postsecondary---vocational---technical---center---purposes;~~
 20 †14†~~guidelines---for---the---authority---delegated---by---the~~
 21 ~~superintendent---of---public---instruction---to---the---local---school~~
 22 ~~district---board---of---trustees---operating---a---postsecondary~~
 23 ~~vocational---technical---center;---and~~
 24 †15†(9) any other policy not inconsistent with public
 25 law and which is necessary for the proper operation of a

1 system of K-12 vocational education."
 2 Section 12. Section 20-7-302.1, MCA, is amended to
 3 read:
 4 "20-7-302.1. State director of K-12 vocational
 5 education -- duties. There is a state director of K-12
 6 vocational education appointed by the superintendent of
 7 public instruction. He must:
 8 (1) administer the K-12 vocational education policies
 9 adopted by the superintendent of public instruction;
 10 (2) prepare curriculum guides for superintendent of
 11 public instruction adoption;
 12 (3) employ, with the confirmation of the
 13 superintendent of public instruction, the professional staff
 14 necessary for the state supervision and administration of
 15 K-12 vocational education;
 16 (4) report the status of K-12 vocational education in
 17 the state of Montana when requested by the superintendent of
 18 public instruction;
 19 (5) keep all K-12 vocational education records in his
 20 office;
 21 (6) provide K-12 vocational education supervisory and
 22 consultative assistance to districts;
 23 †7†~~provide---a---postsecondary---vocational---technical~~
 24 ~~center---system---policy---and---procedural---handbook---for~~
 25 ~~institutional---operations---that---will---standardize---operations~~

1 among the centers;

2 (8) identify and direct the county treasurer in those

3 counties where postsecondary vocational technical centers

4 are located to establish the necessary multifund structures

5 for postsecondary vocational technical center financial

6 operations;

7 (9) meet with the chairman of the board of trustees,

8 district superintendent, and center director of each

9 postsecondary vocational technical center at least twice

10 each year to discuss recommended changes in the

11 superintendent of public instruction's policies and

12 procedures;

13 (10) formulate and put into effect uniform fiscal,

14 student, staff, and program accounting systems for the

15 postsecondary vocational technical centers;

16 (11)(7) prepare any necessary reports for the

17 superintendent of public instruction or the legislature; and

18 (12) represent the postsecondary vocational technical

19 center system to state agencies, associations, and others

20 when appropriate;

21 (13) recommend a staffing pattern for the postsecondary

22 vocational technical centers;

23 (14) provide for the evaluation of programs and

24 services within each postsecondary vocational technical

25 center;

1 (15) provide for evaluation of each postsecondary

2 vocational technical center's ability to meet employment and

3 student vocational technical education needs; and

4 (16)(8) perform any other duty assigned by the

5 superintendent of public instruction."

6 Section 13. Section 20-7-303, MCA, is amended to read:

7 "20-7-303. ~~District authorization~~ Authorization to

8 establish and maintain vocational education courses and

9 programs. The trustees of any an elementary or high school

10 district, community college district, or unit of the Montana

11 university system may establish and maintain a vocational

12 education course or program that complies with the K-12

13 vocational education standards adopted by the superintendent

14 of public instruction. In order for a course or program to

15 be eligible for state or federal financing, it shall be

16 approved by the superintendent of public instruction for

17 compliance with K-12 vocational education standards."

18 Section 14. Section 20-7-311, MCA, is amended to read:

19 "20-7-311. ~~Postsecondary~~ ~~-----~~ ~~vocational technical~~

20 Vocational technical center designation. (1) ~~Postsecondary~~

21 ~~vocational technical~~ Vocational technical centers shall be

22 designated by the ~~superintendent of public instruction only~~

23 board of regents upon direction of the legislature.

24 ~~Applications for designation must be made in accordance with~~

25 ~~the following procedure:~~

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

12 {b}--Applications---are---to---be---presented---to--the
 13 superintendent-of-public-instruction. The-superintendent-of
 14 public-instruction-shall-examine-the-application--and--draft
 15 recommendations. The---application,---together---with---all
 16 recommendations, shall-be-presented-by-the-superintendent-of
 17 public-instruction-to-the-next-following-legislature.

18 (2) The superintendent-of-public-instruction board of
 19 regents shall recognize the presently---designated
 20 postsecondary vocational-technical centers operated--by--the
 21 respective--board--of--trustees--of designated prior to [the
 22 effective date of this act] in school district number 1 of
 23 Silver Bow County, high school district number 1 of Lewis
 24 and Clark County, high school district "A" of Cascade
 25 County, Missoula County high school, and high school

1 district number 2 of Yellowstone County."

2 Section 15. Section 20-7-312, MCA, is amended to read:

3 "20-7-312. Local administration of
 4 vocational-technical center. (1) Subject to the requirements
 5 of the laws of the state of Montana and the policies and
 6 rules of the superintendent--of--public--instruction---as
 7 administered--by-the-state-director-of-vocational-education,
 8 the-board-of-trustees-operating--a--postsecondary board of
 9 regents, the director of a vocational-technical center has
 10 administrative and supervisory control of the center and
 11 shall:

12 {a}--employ,---from---among---qualified--applicants,--a
 13 postsecondary-vocational-technical-center-director;

14 {b}{a} employ administrative personnel,---faculty
 15 members,-----and---employees for the postsecondary
 16 vocational-technical center according to the policies and
 17 procedures rules of the board of trustees regents;

18 {c}{b} recommend, develop, and submit budgets a
 19 recommended budget for the postsecondary
 20 vocational-technical centers center;

21 {d}{c} establish and collect student tuition and fees;

22 {e}{d} recommend to the superintendent--of--public
 23 instruction--through--the--director---of---vocational
 24 education board of regents:

25 (i) proposals regarding postsecondary

1 vocational-technical center programs, budgets, student
2 services, and public service activities; and

3 (ii) campus development and program plans for
4 individual postsecondary vocational-technical center
5 buildings;

6 ~~ff)~~(e) manage buildings erected and equipped on leased
7 grounds at the vocational-technical center;

8 ~~fg)~~(f) receive and administer gifts and bequests to
9 the postsecondary vocational-technical center according to a
10 written plan submitted to the superintendent of public
11 instruction board of regents; and

12 ~~th)~~(g) perform any other administrative
13 responsibilities duties not inconsistent with law and
14 required by the superintendent of public instruction board
15 of regents.

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

22 Section 16. Section 20-7-314, MCA, is amended to read:

23 "20-7-314. Lease or purchase of state property for
24 postsecondary vocational-technical center purposes. (1) The
25 state of Montana, acting by and through the superintendent

1 of public instruction, is hereby empowered and authorized to
2 enter into a board of regents, may lease, agreement for a
3 term not to exceed 40 years, in order to lease to a district
4 operating a postsecondary vocational-technical center any
5 building or lands owned by the state and financed in whole
6 or in part by an appropriation made by the legislature of
7 the state of Montana for the purpose of supporting the
8 district's postsecondary a vocational-technical center. The
9 consideration necessary to support such a lease may be
10 nominal.

11 (2) The superintendent of public instruction is hereby
12 authorized to transfer or direct transfer of title held by
13 the state of Montana in buildings or lands financed in whole
14 or in part by an appropriation by the state legislature to a
15 district operating a postsecondary vocational-technical
16 center, at any time the superintendent of public instruction
17 deems such transfer to be in the best interests of both the
18 state and the district involved, provided that this
19 authorization extends only to buildings or lands which are
20 to be used by the district for postsecondary
21 vocational-technical education purposes. The state of
22 Montana, acting through the board of regents and on demand
23 of a school district, shall lease or purchase the equity or
24 interest of the school district in any building, land, or
25 other property at a vocational-technical center on terms

1 agreed to between the board of regents and the school
 2 district. A purchase may be by lump-sum payment, time
 3 payments, the assumption of bonded indebtedness, or any
 4 other mutually agreeable method. Money received by a school
 5 district from the lease or sale under this subsection (2) of
 6 the school district's equity or interest in a building,
 7 land, or other property must be credited to the debt service
 8 fund, building fund, general fund, or any combination of
 9 these funds, at the discretion of the trustees of the school
 10 district."

11 Section 17. Section 20-7-322, MCA, is amended to read:

12 "20-7-322. State treasurer custodian of vocational
 13 education moneys money. (1) The treasurer of the state of
 14 Montana is hereby designated as the custodian of all federal
 15 and state moneys money designated, appropriated, or
 16 apportioned for vocational education. All moneys money
 17 received from any federal or state source for the
 18 establishment, operation, or furtherance of vocational
 19 education in the state shall be deposited with the state
 20 treasurer. At the direction of the superintendent of public
 21 instruction, he shall disburse all moneys-appropriated-or
 22 money received for K-12 vocational education. At the
 23 direction of the board of regents, he shall disburse all
 24 money received for vocational-technical education.

25 (2) The state treasurer is the treasurer for all

1 postsecondary vocational-technical centers, and all money
 2 received by postsecondary vocational-technical centers from
 3 any source shall be deposited in the state treasury pursuant
 4 to 17-6-105, unless the source of the money specifies
 5 deposit somewhere other than in the state treasury."

6 Section 18. Section 20-7-324, MCA, is amended to read:

7 "20-7-324. Sources of financing for postsecondary
 8 vocational-technical center budgets -- superintendent-of
 9 public-instruction-administration distribution of funds. (1)
 10 The total of the budgets approved by the superintendent--of
 11 public--instruction board of regents shall constitute the
 12 total maximum approved statewide vocational-technical center
 13 system budget which shall be financed as follows:

14 (a) The primary source of financing is to be those
 15 funds specifically designated by legislative enactment or
 16 referendum by the people for financing postsecondary
 17 vocational-technical education in Montana.

18 (b) The board of county commissioners of each county
 19 in which a designated postsecondary vocational-technical
 20 center is located shall levy a tax in each calendar year of
 21 $1\frac{1}{2}$ 3 mills on the dollar of all taxable property, real
 22 and personal, within the county for the support and
 23 maintenance of the postsecondary vocational-technical center
 24 located-within-the-county system.

25 (c) Designated postsecondary vocational-technical

1 centers shall be eligible to receive such funds from the
2 federal government as the superintendent of public
3 instruction board of regents may provide pursuant to
4 applicable acts of congress.

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

15 ~~(i) the sale of bonds issued by that district (such~~
16 ~~bonds shall be issued in conformity with the requirements of~~
17 ~~chapter 9, part 4, of this title in the case of high school~~
18 ~~and county high school district);~~

19 ~~(ii) any other funds available to that district which~~
20 ~~may be legally and properly applied toward such~~
21 ~~construction;~~

22 ~~(iii) the reasonable value of land, buildings,~~
23 ~~fixtures, or equipment furnished by that district, subject~~
24 ~~to the approval of the superintendent of public instruction;~~

25 (2) The superintendent of public instruction board of

1 regents shall direct the distribution of the funds specified
2 in subsections (i)(a) through (i)(c) subsection (1) on the
3 basis of the budgets approved by the superintendent of
4 public instruction board of regents. The funds earned by the
5 mill levy specified in subsection (1)(b) shall be credited
6 to the postsecondary vocational technical center account in
7 the unrestricted subfund of the current fund in the state
8 treasury.

9 ~~(3) The superintendent of public instruction shall~~
10 ~~determine the amount of financing available from these four~~
11 ~~sources of revenue and may approve budgets for instruction,~~
12 ~~plant operations and maintenance, equipment, and support.~~
13 ~~The aggregate amount of the budgets so approved by the~~
14 ~~superintendent of public instruction for postsecondary~~
15 ~~vocational technical centers shall not exceed the moneys~~
16 ~~determined to be available."~~

17 Section 19. Section 20-7-325, MCA, is amended to read:

18 "20-7-325. Postsecondary ~~-----~~ vocational technical
19 Vocational technical center funding -- nongeneral fund money
20 expended first -- reversion of general fund money. (1)
21 Whenever an approved postsecondary ~~-----~~ vocational technical
22 center under the provisions of 20-7-311 is operated within a
23 district, the trustees of such district The board of regents
24 shall request the establishment of the appropriate accounts
25 for the vocational technical center system in the state

1 treasury. These accounts shall be established in the
 2 appropriate state treasury funds as determined by the
 3 department of administration. All money prescribed and
 4 received under the provisions of 20-7-324 shall be credited
 5 to these accounts. The expenditure of the money deposited in
 6 the state treasury shall be made in accordance with
 7 procedures established by the department of administration.
 8 Such expenditures shall be made under the budget and for the
 9 programs approved by the superintendent--of--public
 10 instruction board of regents under the--provisions---of
 11 20-7-323 and the financial administration provisions of this
 12 title.

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

20 ~~{3}--The-----approval-----of-----the-----postsecondary~~
 21 ~~vocational-technical--center--budget-and-subsequent-revision~~
 22 ~~or-amendment-of-such-budget-by-the-superintendent-of--public~~
 23 ~~instruction-shall-constitute-the-final-budget-approval--~~

24 ~~{4}--Whenever----the----county----tax---prescribed---in~~
 25 ~~20-7-324{1}{b)-is-to-be-used-in-support-of-the-postsecondary~~

1 ~~vocational-technical-center, the--county--commissioners--are~~
 2 ~~authorized-to-levy-such-tax-on-the-county-in-accordance-with~~
 3 ~~the-provisions-of-20-9-142,~~

4 Section 20. Section 20-7-327, MCA, is amended to read:
 5 "20-7-327. Source of financing for postsecondary
 6 vocational-technical center facility maintenance. The source
 7 of funds for maintenance, remodeling, and renovation of
 8 postsecondary vocational-technical center facilities may be
 9 either local funds federal funds or state funds specifically
 10 appropriated by the legislature and approved by the
 11 superintendent--of--public--instruction board of regents, or
 12 any combination of these funds."

13 Section 21. Section 20-7-332, MCA, is amended to read:
 14 "20-7-332. Tuition rates. (1) Tuition may be charged
 15 to any resident or nonresident of the state of Montana by
 16 the governing---board director of any postsecondary
 17 vocational-technical center at rates to be determined by the
 18 superintendent--of--public-instruction board of regents. The
 19 superintendent-of-public-instruction board of regents shall
 20 also prescribe permissible uses for any tuition 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 22. Section 20-7-333, MCA, is amended to read:

4 "20-7-333. ~~Pupit~~ 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. The superintendent-of-public~~
9 ~~instruction board of regents~~ shall prescribe the ~~basis bases~~
10 and limitations for the charging of such fees.

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

19 Section 23. Section 20-9-403, MCA, is amended to read:

20 "20-9-403. Bond issues for certain purposes. (1) The
21 trustees of a school district may issue and negotiate bonds
22 on the credit of the school district for the purpose of:

23 (a) building, altering, repairing, buying, furnishing,
24 equipping, purchasing lands for, and/or obtaining a water
25 supply for a school, teacherage, dormitory, gymnasium, other

1 building, or combination of said buildings for school
2 purposes, ~~---including---postsecondary---vocational-technical~~
3 ~~centers-in-the-school-district;~~

4 (b) buying a school bus or buses;

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

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

11 (e) funding a judgment against the district.

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

18 Section 24. Section 20-9-513, MCA, is amended to read:

19 "20-9-513. ~~Postsecondary-----vocational-technical~~
20 Vocational-technical center and adult basic education
21 programs account established. There is within the state
22 special revenue fund a ~~postsecondary~~ vocational-technical
23 center and adult basic education account. Money is paid into
24 the account under 90-6-211. The state treasurer shall draw
25 warrants payable from this account upon order of the

1 superintendent of public instruction or the board of regents
 2 up to the amount provided for each under 90-6-211 by the
 3 biennium budget passed by the legislature."

4 Section 25. Section 39-71-118, MCA, is amended to
 5 read:

6 "39-71-118. Employee, worker, and workman defined. (1)
 7 The terms "employee", "workman", or "worker" mean:

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

23 (b) a recipient of general relief who is performing
 24 work for a county of this state under the provisions of
 25 53-3-303 through 53-3-305 and any juvenile performing work

1 under authorization of a district court judge in a
 2 delinquency prevention or rehabilitation program;

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

12 (d) students enrolled and in attendance in programs of
 13 vocational-technical education ~~approved-by-the-state-board~~
 14 ~~of---public---education~~ at designated ~~postsecondary~~
 15 vocational-technical centers; or

16 (e) an airman or other person employed as a volunteer
 17 under 67-2-105.

18 (2) If the employer is a partnership or sole
 19 proprietorship, such employer may elect to include as an
 20 employee within the provisions of this chapter any member of
 21 such partnership or the owner of the sole proprietorship
 22 devoting full time to the partnership or proprietorship
 23 business. In the event of such election, the employer must
 24 serve upon the employer's insurer written notice naming the
 25 partners or sole proprietor to be covered, and no partner or

1 sole proprietor shall be deemed an employee within this
 2 chapter until such notice has been given. For premium
 3 ratemaking and for the determination of weekly wage for
 4 weekly compensation benefits, the insurance carrier shall
 5 assume a salary or wage of such electing employee to be not
 6 less than \$900 a month and not more than 1 1/2 times the
 7 average weekly wage as defined in this chapter."

8 Section 26. Section 90-6-211, MCA, is amended to read:

9 "90-6-211. Disposition of interest from unexpended
 10 balance. The unexpended balance in the local impact and
 11 education trust fund account shall be invested as provided
 12 by statute by the board of investments. Of the income from
 13 such investments each year 10% shall be paid into the state
 14 special revenue fund for use by the superintendent of public
 15 instruction for purposes of ~~the~~ ~~postsecondary~~
 16 ~~vocational-technical--centers--and~~ adult basic education
 17 programs in the state, ~~subject to the budgeting authority of~~
 18 ~~the legislature and for use by the board of regents for~~
 19 vocational-technical center education programs in the state,
 20 as provided in the biennium budget passed by the
 21 legislature. Within the account under 20-9-513, the revenue
 22 is shared between the ~~postsecondary~~ vocational-technical
 23 centers and the adult basic education programs as provided
 24 in the biennium budget passed by the legislature. Of the
 25 remaining 90% of the income from such investments,

1 three-fourths shall be annually paid into the state special
 2 revenue fund for state equalization aid to public schools of
 3 the state and one-fourth each year shall be paid to the
 4 board of regents of higher education for use by the
 5 institutions of higher learning in the state, subject to the
 6 budgeting authority of the legislature. Except as provided
 7 in 90-6-205(5), the principal of the local impact and
 8 education trust fund shall be dedicated to education and
 9 forever remain inviolate and sacred to this purpose as
 10 provided in sections 3 and 10 of Article X of the Montana
 11 constitution."

12 NEW SECTION. Section 27. Repealer. Sections 20-7-304,
 13 20-7-313, 20-7-323, 20-7-326, 20-7-331, 20-9-404, and
 14 20-9-405, MCA, are repealed.

15 NEW SECTION. Section 28. Extension of authority. Any
 16 existing authority of the superintendent of public
 17 instruction to make rules on the subject of the provisions
 18 of this act is extended to the provisions of this act.

19 NEW SECTION. Section 29. Codification instructions.
 20 (1) Sections 1 through 5 are intended to be codified as an
 21 integral part of Title 20, and the provisions of Title 20
 22 apply to sections 1 through 5.

23 (2) Sections 20-7-311, 20-7-312, 20-7-314, 20-7-322,
 24 20-7-324, 20-7-325, 20-7-327, 20-7-332, and 20-7-333 are
 25 intended to be renumbered and codified as an integral part

1 of a new chapter in Title 20 on the governance of
2 vocational-technical centers.

3 NEW SECTION. Section 30. Code commissioner name
4 change. In all sections of the Montana Code Annotated not
5 contained in this act and in all provisions passed by the
6 50th legislature wherein reference is made to a
7 postsecondary vocational-technical center, the code
8 commissioner shall change the reference to
9 vocational-technical center.

10 NEW SECTION. Section 31. Effective date. This act is
11 effective July 1, 1987.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

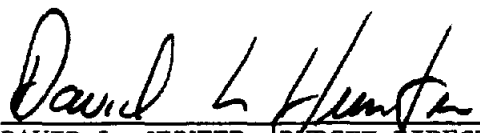
In compliance with a written request, there is hereby submitted a Fiscal Note for HB039, as introduced.

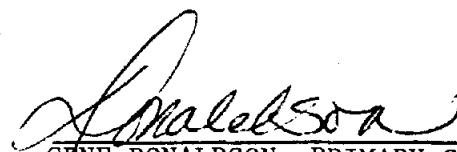
DESCRIPTION OF PROPOSED LEGISLATION:

HB039 transfers governance of the vocational technical centers from the Office of Superintendent of Public Instruction (OSPI), to the Board of Regents of Higher Education.

ASSUMPTIONS:

1. Federal authority for both secondary and post-secondary vocational education services, office of civil rights responsibilities and sex equity coordination is transferred in total from OSPI to the Board of Regents.
2. General fund required for matching federal administration expenditures will follow the sole state agency authority to the Board of Regents from OSPI.
3. There will be no net change in administration costs for vocational education.
4. State assumed responsibility for Vo-Tech facilities will be through the lease of current property from the school district.
5. Current Vo-Tech programs occupy 589,200 square feet of school district property. State funding purchased 32.8% of this space.
6. An average lease rate of \$4.15 per square foot will be the negotiated agreement between the Board of Regents and the local school districts.
7. The property valuation in the 5 counties containing Vo-Tech Centers will be \$549,215,333 in FY88 and \$562,975,333 in FY89.
8. Voted levies are not authorized as of July 1, 1987.
9. As of July 1, 1987, Vo-Tech center budgets cannot be expanded beyond legislative appropriations by local school districts.
10. Current voted levies total \$1,613,693 in FY87 and would remain constant in the 1989 biennium if the law is not adopted.
11. The legislature will replace the lost local budget authority with state budget authority.
12. Reductions in voted county levies would offset the 1.5 mill increase in the general county levy.
13. Collective bargaining salary levels for Vo-Tech center staff in the 1989 biennium will be tied to the local district's negotiated settlements. This fiscal note assumes that local salaries will be frozen. If salaries increase, a dollar for dollar increase in state general fund cost will occur.

 DATE 1/10/87
DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

 DATE _____
GENE DONALDSON, PRIMARY SPONSOR

Fiscal Note for HB039, as introduced.

HB 39

APPROVED BY COMM. ON EDUCATION
AND CULTURAL RESOURCES

1 STATEMENT OF INTENT

2 HOUSE BILL 39

3 House Education and Cultural Resources Committee

4

5 Section 1 of the bill requires the board of regents to
6 adopt rules implementing the board's powers and duties. The
7 legislature intends these rules to encompass the full range
8 of board powers and duties and intends that the board begin
9 the process of adopting rules prior to the July 1, 1987,
10 effective date for implementation of the act.

11 The board should study the office of public
12 instruction's postsecondary vocational-technical education
13 rules, which are superseded by this act, since these rules
14 may give the board guidance.

1 HOUSE BILL NO. 39

2 INTRODUCED BY DONALDSON, BLAYLOCK, RASMUSSEN, LORY,
 3 M. WILLIAMS, REAM, MCCALLUM, MAZUREK, GRADY, EUDAILY
 4 BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE
 5 ON VO-TECHS/JOB TRAINING
 6

7 A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING GOVERNANCE
 8 OF THE POSTSECONDARY VOCATIONAL-TECHNICAL CENTERS TO THE
 9 BOARD OF REGENTS OF HIGHER EDUCATION; RENAMING POSTSECONDARY
 10 VOCATIONAL-TECHNICAL CENTERS AS VOCATIONAL-TECHNICAL
 11 CENTERS; AMENDING SECTIONS 19-4-302, 20-1-101, 20-3-103,
 12 20-3-106, 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, 20-7-324, 20-7-325,
 14 20-7-327, 20-7-332, 20-7-333, 20-9-403, 20-9-513, 39-71-118,
 15 AND 90-6-211, MCA; REPEALING SECTIONS 20-7-304, 20-7-313,
 16 20-7-323, 20-7-326, 20-7-331, 20-9-404, AND 20-9-405, MCA;
 17 AND PROVIDING AN EFFECTIVE DATE."
 18

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

20 NEW SECTION. Section 1. Powers and duties of board of
 21 regents. The board of regents has general administrative and
 22 supervisory control over vocational-technical center
 23 education and shall:

24 (1) establish and when necessary amend a plan for the
 25 orderly development of vocational-technical center education

1 that is consistent with federal and state law, controlled to
 2 prevent unnecessary duplication, and funded to ensure
 3 necessary growth and quality education;

4 (2) adopt standards for courses and programs;

5 (3) implement a review process for establishing and
 6 deleting programs and courses that recognizes the present
 7 and future needs of employers and provides qualified
 8 graduates for positions for which there is or may in the
 9 near future be a demand;

10 (4) establish student entrance and graduation
 11 requirements;

12 (5) appoint a director, to serve at the pleasure of
 13 the board, for each vocational-technical center and
 14 establish minimum qualifications for faculty, directors,
 15 administrative staff, and other personnel;

16 (6) appoint a commissioner of vocational-technical
 17 center education, to serve at the pleasure of the board;

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

21 (8) determine the amount to be paid for the lease of
 22 buildings;

23 (9) adopt budget requests for the vocational-technical
 24 center education system;

25 (10) establish a procedure by which students can

1 receive part of their education and training through
 2 programs, courses, and on-the-job training offered by the
 3 private sector and not available at the centers;

4 (11) establish a procedure by which qualified persons
 5 in the private sector can participate in the training and
 6 teaching of students in the centers' classrooms when such
 7 persons have training, knowledge, and skills not available
 8 through the centers' faculty;

9 (12) provide means by which the centers' faculty can
 10 obtain advanced education and training in new areas and
 11 either be reimbursed for their expenses or raised to a
 12 higher salary level, or both;

13 (13) establish for the various centers uniform policies
 14 for recordkeeping; financial transactions; accounting;
 15 maintenance; recruiting, guidance, and placement of
 16 students; examinations; personnel relations; and other
 17 matters as determined by the board;

18 (14) negotiate with the bargaining representative for
 19 personnel of each center or the personnel of the center
 20 system in a manner consistent with state and federal law;

21 (15) work with other institutions of higher education
 22 to implement the transfer of course credits between those
 23 institutions and the vocational-technical centers; and

24 (16) adopt rules and procedures to implement this
 25 section and to carry out any other powers and duties of the

1 board.

2 NEW SECTION. Section 2. Sole state agency for federal
 3 vocational education requirements. (1) The board of regents
 4 is the sole state agency for purposes of the 1985 1984
 5 federal Carl D. Perkins Vocational Education Act, 44-U.S.C.
 6 2301, et seq., AS MAY BE AMENDED, which requires a state
 7 participating in programs under that act to designate a
 8 state board or agency as the sole state agency responsible
 9 for administration or supervision of the administration of
 10 those programs.

11 (2) THE BOARD OF REGENTS SHALL CONTRACT WITH THE
 12 SUPERINTENDENT OF PUBLIC INSTRUCTION FOR THE ADMINISTRATION
 13 AND SUPERVISION OF K-12 VOCATIONAL EDUCATION PROGRAMS,
 14 SERVICES, AND ACTIVITIES ALLOWED BY THE 1984 FEDERAL CARL D.
 15 PERKINS VOCATIONAL EDUCATION ACT, AS MAY BE AMENDED, AND IN
 16 CONCERT WITH THE STATE PLAN FOR VOCATIONAL EDUCATION
 17 REQUIRED BY THE FEDERAL ACT. THE BOARD OF REGENTS MAY
 18 CONTRACT WITH OTHER AGENCIES FOR THE ADMINISTRATION AND
 19 SUPERVISION OF OTHER VOCATIONAL EDUCATION PROGRAMS,
 20 SERVICES, AND ACTIVITIES THAT RECEIVE FUNDING ALLOWED BY THE
 21 1984 FEDERAL CARL D. PERKINS VOCATIONAL EDUCATION ACT, AS
 22 MAY BE AMENDED.

23 NEW SECTION. Section 3. Local advisory boards. The
 24 board of trustees of a school district in which a
 25 vocational-technical center is located shall appoint a local

1 advisory board, composed of at least five residents of the
 2 county where the center is located, to act in an advisory
 3 capacity to the center and the board of regents.

4 NEW SECTION. Section 4. Duties of the commissioner of
 5 vocational-technical center education. The commissioner of
 6 vocational-technical center education shall, under the rules
 7 and policies of the board of regents:

8 (1) be the chief administrative officer for the board
 9 of regents for the administration of its
 10 vocational-technical center rules and policies;

11 (2) employ, within the limits of any legislative
 12 appropriation and with the confirmation of the board of
 13 regents, the staff necessary for the state supervision and
 14 administration of the board's vocational-technical center
 15 rules and policies;

16 (3) provide supervisory and consultative assistance to
 17 centers;

18 (4) report the status of vocational-technical center
 19 education in Montana when requested by the board of regents;
 20 and

21 (5) perform any other duties assigned by the board of
 22 regents.

23 NEW SECTION. Section 5. Existing center employees.
 24 (1) The rights of persons employed by a vocational-technical
 25 center under a collective bargaining agreement in effect

1 ~~prior-to~~ DURING THE PERIOD FROM JULY 1, 1987, TO July 1,
 2 1989, may not be impaired, AND THEY MAY, AT ANY TIME PRIOR
 3 TO JULY 1, 1989, EXERCISE ANY RIGHT THEY HAVE UNDER A
 4 COLLECTIVE BARGAINING AGREEMENT TO TRANSFER TO ANOTHER
 5 POSITION WITHIN THE SCHOOL DISTRICT.

6 (2) A person employed by a center under a school
 7 district on June 30, 1989, becomes an employee of the board
 8 of regents on July 1, 1989.

9 (3) Following [the effective date of this section],
 10 the employees of any center OR THE BOARD OF REGENTS may
 11 apply to the board of personnel appeals for determination of
 12 the appropriate bargaining unit or units for the purposes of
 13 collective bargaining for a contract or contracts to be
 14 negotiated with the board of regents prior to July 1, 1989.

15 (4) If a person is employed by a center in any
 16 capacity on July 1, 1989, and has accumulated sick,
 17 vacation, or other leave and years of service with a school
 18 district, such leave and years of service shall be
 19 transferred fully regardless of the length of employment
 20 with the district in which the center is located.

21 Section 6. Section 19-4-302, MCA, is amended to read:
 22 "19-4-302. Active membership. (1) Unless otherwise
 23 provided by this chapter, the following persons must be
 24 active members of the retirement system, with the exception
 25 that those persons who became eligible for membership on

1 September 1, 1937, or on September 1, 1939, and who elected
 2 not to become members under the provisions of the law at
 3 that time are not required to be members:

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

6 (b) any person who is an administrative officer or a
 7 member of the instructional or scientific staff of a unit of
 8 the Montana university system or a vocational-technical
 9 center;

10 (c) any person employed in an instructional services
 11 capacity by the office of the superintendent of public
 12 instruction, the office of a county superintendent, a
 13 special education cooperative, a public institution of the
 14 state of Montana, the Montana state school for the deaf and
 15 blind, or a school district;

16 (d) any person who has elected not to become a member
 17 of the retirement system and is reentering service in a
 18 capacity prescribed by (a), (b), or (c) of this subsection
 19 (1);

20 (e) any person who has elected not to become a member
 21 of the retirement system, who has been continuously employed
 22 in a capacity prescribed by (a), (b), or (c) of this
 23 subsection (1) since the time of such election, and who may
 24 thereafter elect to become a member of the retirement
 25 system.

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

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

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

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

11 Section 7. Section 20-1-101, MCA, is amended to read:

12 "20-1-101. Definitions. As used in this title, unless
 13 the context clearly indicates otherwise, the following
 14 definitions apply:

15 (1) "Agricultural experiment station" means the
 16 agricultural experiment station established at Montana state
 17 university.

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

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

24 (4) "Board of regents" means the board of regents of
 25 higher education created by Article X, section 9, subsection

1 (2), of the 1972 Montana constitution and 2-15-1505.

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

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

7 (7) "District superintendent" means any person who
8 holds a valid class 3 Montana teacher certificate with a
9 superintendent'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 district superintendent.

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

16 ~~{8}--"Postsecondary-vocational-technical-center"--means~~
17 ~~a-school-used-principally-for-the-provision-of-postsecondary~~
18 ~~vocational-technical-education--to--persons--who-qualify-as~~
19 ~~postsecondary-vocational-technical-pupils--These-centers-are~~
20 ~~designated-by-the-superintendent-of-public-instruction--upon~~
21 ~~direction--by--the--legislature--All-other-public-or-private~~
22 ~~schools-are-hereby-prohibited-from-using-this-title.~~

23 ~~{9}--"Postsecondary--vocational-technical--education"~~
24 ~~means--vocational-technical--education--of--postsecondary~~
25 ~~vocational-technical--pupils--which--is--conducted--by--a~~

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

6 ~~{10}--"Postsecondary-vocational-technical-pupil"--means-a~~
7 ~~person--who--has--completed--or--left-school--is-at-least-16~~
8 ~~years-of-age--and-is-available-for-study-in-preparation--for~~
9 ~~entering--the-labor-market--for-reentering-the-labor-market--~~
10 ~~or-for-employment-stability-or-advancement-in-employment.~~

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

20 ~~{12}{10}~~ "Pupil" means any child who is 6 years of age
21 or older on or before September 10 of the year in which the
22 child is to enroll or has been enrolled by special
23 permission of the board of trustees under 20-5-101(3) but
24 has not yet reached his 19th birthday and who is enrolled in
25 a school established and maintained under the laws of the

1 state of Montana at public expense.
 2 ~~(13)~~(11) "Pupil instruction" means the conduct of
 3 organized instruction of pupils enrolled in public schools
 4 while under the supervision of a teacher.
 5 ~~(14)~~(12) "Regents" means the board of regents of higher
 6 education.
 7 ~~(15)~~(13) "School food services" means a service of
 8 providing food for the pupils of a district on a nonprofit
 9 basis and shall include any food service financially
 10 assisted through funds or commodities provided by the United
 11 States government.
 12 ~~(16)~~(14) "The state board of education" is the board
 13 composed of the board of public education and the board of
 14 regents as specified in Article X, section 9, subsection
 15 (1), of the 1972 Montana constitution.
 16 ~~(17)~~(15) "State university" means the Montana state
 17 university, located at Bozeman.
 18 ~~(18)~~(16) "Superintendent of public instruction" means
 19 that state government official designated as a member of the
 20 executive branch by the constitution of Montana.
 21 ~~(19)~~(17) "System" means the Montana university system.
 22 ~~(20)~~(18) "Teacher" means any person, except a district
 23 superintendent, who holds a valid Montana teacher
 24 certificate that has been issued by the superintendent of
 25 public instruction under the provisions of this title and

1 the policies adopted by the board of public education and
 2 who is employed by a district as a member of its
 3 instructional, supervisory, or administrative staff. This
 4 definition of a teacher shall also include any person for
 5 whom an emergency authorization of employment of such person
 6 has been issued under the provisions of 20-4-111.
 7 ~~(21)~~(19) "Textbook" means a book or manual used as a
 8 principal source of study material for a given class or
 9 group of students.
 10 ~~(22)~~(20) "Textbook dealer" means any party, company,
 11 corporation, or other organization selling, offering to
 12 sell, or offering for adoption textbooks to districts in the
 13 state of Montana.
 14 ~~(23)~~(21) "Trustees" means the governing board of a
 15 district.
 16 ~~(24)~~(22) "University" means the university of Montana,
 17 located at Missoula.
 18 ~~(25)~~(23) "Vocational education" means the instruction
 19 to prepare or improve the pupil for gainful employment that
 20 does not require a baccalaureate or higher degree. This
 21 definition of vocational education shall include guidance
 22 and prevocational, related, or technical instruction
 23 necessary to prepare the pupil for further vocational
 24 education or for entry into employment.
 25 (24) "Vocational-technical center" means an institution

1 used principally for the provision of vocational-technical
2 education to persons who qualify as vocational-technical
3 students. These centers are designated by the board of
4 regents upon direction by the legislature. All other public
5 or private institutions or schools are hereby prohibited
6 from using this title.

7 (25) "Vocational-technical education" means
8 vocational-technical education of vocational-technical
9 students that is conducted by a vocational-technical center,
10 a unit of the Montana university system, or a community
11 college as designated by the board of regents."

12 Section 8. Section 20-3-103, MCA, is amended to read:

13 "20-3-103. Deputy superintendent -- staff. (1) The
14 state superintendent of public instruction shall appoint a
15 deputy who, in the absence of the principal or in the case
16 of vacancy in his office, shall perform all the duties of
17 office until such disability be removed or vacancy be
18 filled. Such deputy shall subscribe, take, and file the oath
19 of office provided by law for other state officers before
20 entering upon the performance of his duties.

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

1 (a) a supervisor of physical education who is a
2 graduate of an accredited institution of higher education
3 with a master's degree in physical education;

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

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

11 Section 9. 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) distribute state impact aid in accordance with the
 12 provisions of 20-9-304;

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

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

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

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

24 (20) prescribe the form and contents of and approve or
 25 disapprove interstate contracts in accordance with the

1 provisions of 20-9-705;

2 (21) approve or disapprove the conduct of school on a
3 Saturday or on pupil-instruction-related days in accordance
4 with the provisions of 20-1-303 and 20-1-304;

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

10 (23) collect and maintain a file of curriculum guides
11 and assist schools with instructional programs in accordance
12 with the provisions of 20-7-113 and 20-7-114;

13 (24) establish and maintain a library of visual, aural,
14 and other educational media in accordance with the
15 provisions of 20-7-201;

16 (25) license textbook dealers and initiate prosecution
17 of textbook dealers violating the law in accordance with the
18 provisions of the textbooks part of this title;

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

23 ~~{27}-consider--applications--for--the--designation-of-a~~
24 ~~postsecondary-vocational-technical-center-in-accordance-with~~
25 ~~the-provisions-of-20-7-311;~~

1 ~~{28}-establish-a-fund-for-the-handling-of-postsecondary~~
2 ~~vocational-technical-center--fees--in--accordance--with--the~~
3 ~~provisions-of-20-7-333;~~

4 ~~{29}{27}~~ supervise and coordinate the conduct of
5 special education in the state in accordance with the
6 provisions of 20-7-403;

7 ~~{30}{28}~~ administer the traffic education program in
8 accordance with the provisions of 20-7-502;

9 ~~{31}{29}~~ administer the school food services program in
10 accordance with the provisions of 20-10-201, 20-10-202, and
11 20-10-203;

12 ~~{32}{30}~~ review school building plans and
13 specifications in accordance with the provisions of
14 20-6-622;

15 ~~{33}{31}~~ prescribe the method of identification and
16 signals to be used by school safety patrols in accordance
17 with the provisions of 20-1-408; and

18 ~~{34}{32}~~ perform any other duty prescribed from time to
19 time by this title, any other act of the legislature, or the
20 policies of the board of public education."

21 Section 10. Section 20-6-501, MCA, is amended to read:
22 "20-6-501. Definition of various schools. As used in
23 this title, unless the context clearly indicates otherwise,
24 the term "school" means an institution for the teaching of
25 children that is established and maintained under the laws

1 of the state of Montana at public expense. The trustees of
 2 any district shall designate the grade assignments for the
 3 schools of the district, but for the purposes of this title
 4 each school shall be known as:

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

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

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

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

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

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

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

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

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

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

1 of public instruction policies shall include:

2 (1) a state plan for such development;

3 (2) standards for K-12 vocational education courses

4 and programs;

5 ~~(3) the minimum requirements for granting~~

6 ~~postsecondary vocational technical certificates to students;~~

7 ~~(4) (3) a review process for the establishment and~~

8 ~~deletion of programs;~~

9 ~~(5) the necessary qualifications that a postsecondary~~

10 ~~vocational technical center director must possess;~~

11 ~~(6) (4) instructor qualifications for K-12 vocational~~

12 ~~education courses and programs;~~

13 ~~(7) (5) criteria for approval of K-12 vocational~~

14 ~~education courses and programs which are to receive~~

15 ~~financial assistance;~~

16 ~~(8) criteria for receiving, reviewing, and~~

17 ~~transmitting recommendations on postsecondary~~

18 ~~vocational technical center operations and budget requests~~

19 ~~to the legislature;~~

20 ~~(9) (6) a basis for apportionment of all moneys~~

21 ~~appropriated by the legislature for K-12 vocational~~

22 ~~education in accordance with the intent of the legislature~~

23 ~~as reflected in the terms of the appropriation;~~

24 ~~(10) (7) a basis for apportionment of all moneys~~

25 ~~received by the state of Montana for K-12 vocational~~

1 education from the federal government in accordance with the

2 acts of congress;

3 ~~(11) (8) a system of evaluation of K-12 vocational~~

4 ~~education which allows for consideration of the current and~~

5 ~~projected manpower needs and job opportunities; and~~

6 ~~(12) the tuition and fees to be charged at the~~

7 ~~postsecondary vocational technical centers, based upon~~

8 ~~legislative appropriations available to the superintendent~~

9 ~~of public instruction for postsecondary vocational technical~~

10 ~~centers;~~

11 ~~(13) the allowable costs for rental of buildings for~~

12 ~~postsecondary vocational technical center purposes;~~

13 ~~(14) guidelines for the authority delegated by the~~

14 ~~superintendent of public instruction to the local school~~

15 ~~district board of trustees operating a postsecondary~~

16 ~~vocational technical center; and~~

17 ~~(15) (9) any other policy not inconsistent with public~~

18 ~~law and which is necessary for the proper operation of a~~

19 ~~system of K-12 vocational education."~~

20 Section 12. Section 20-7-302.1, MCA, is amended to

21 read:

22 "20-7-302.1. State director of K-12 vocational

23 education -- duties. There is a state director of K-12

24 vocational education appointed by the superintendent of

25 public instruction. He must:

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

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

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

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

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

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

16 ~~{7}--provide---a---postsecondary---vocational-technical
17 center---system---policy---and---procedural---handbook---for
18 institutional-operations-that---will---standardize---operations
19 among-the-centers;~~

20 ~~{8}--identify--and-direct-the-county-treasurer-in-those
21 counties-where--postsecondary--vocational-technical--centers
22 are--located-to-establish-the-necessary-multifund-structures
23 for--postsecondary--vocational-technical--center---financial
24 operations;~~

25 ~~{9}--meet--with--the-chairman-of-the-board-of-trustees;~~

1 ~~district--superintendent,--and--center--director---of---each
2 postsecondary--vocational-technical--center--at--least--twice
3 each--year---to---discuss---recommended---changes---in---the
4 superintendent---of---public---instruction's---policies--and
5 procedures;~~

6 ~~{10}--formulate--and--put--into--effect--uniform--fiscal,
7 student,--staff,--and--program--accounting--systems--for--the
8 postsecondary-vocational-technical-centers;~~

9 ~~{11}{7} prepare any necessary reports for the
10 superintendent of public instruction or the legislature; and~~

11 ~~{12}--represent--the--postsecondary-vocational-technical
12 center-system-to-state-agencies,--associations,--and--others
13 when-appropriate;~~

14 ~~{13}--recommend-a-staffing-pattern-for-the-postsecondary
15 vocational-technical-centers;~~

16 ~~{14}--provide---for---the--evaluation--of--programs--and
17 services--within--each--postsecondary---vocational-technical
18 center;~~

19 ~~{15}--provide---for--evaluation--of--each--postsecondary
20 vocational-technical-center's-ability-to-meet-employment-and
21 student-vocational-technical-education-needs;and~~

22 ~~{16}{8} perform any other duty assigned by the
23 superintendent of public instruction."~~

24 Section 13. Section 20-7-303, MCA, is amended to read:

25 "20-7-303. ~~Bistrict~~ Authorization Authorization to

1 establish and maintain vocational education courses and
 2 programs. The trustees of any an elementary or high school
 3 district, community college district, or unit of the Montana
 4 university system may establish and maintain a vocational
 5 education course or program that complies with the K-12
 6 vocational education standards adopted by the superintendent
 7 of public instruction. In order for a course or program to
 8 be eligible for state or federal financing, it shall be
 9 approved by the superintendent of public instruction for
 10 compliance with K-12 vocational education standards."

11 Section 14. Section 20-7-311, MCA, is amended to read:

12 "20-7-311. ~~Postsecondary~~ ~~-----vocational-technical~~
 13 Vocational-technical center designation. (1) ~~Postsecondary~~
 14 ~~vocational-technical~~ Vocational-technical centers shall be
 15 designated by the ~~superintendent of public instruction~~ only
 16 board of regents upon direction of the legislature.
 17 ~~Applications for designation must be made in accordance with~~
 18 ~~the following procedure:~~

19 ~~(a) The trustees of any high school district, of a~~
 20 ~~county high school, of a community college district, or the~~
 21 ~~governing board of any unit of the Montana university system~~
 22 ~~may submit an application for designation of a postsecondary~~
 23 ~~vocational-technical center to be operated by such trustees~~
 24 ~~or governing board. The application for designation shall be~~
 25 ~~submitted in accordance with the time, date, and form~~

1 ~~requirements prescribed by the superintendent of public~~
 2 ~~instruction. Applicant high school districts, county high~~
 3 ~~schools, or community college districts shall be located in~~
 4 ~~a county with a taxable valuation of at least \$45 million.~~
 5 ~~(b) Applications are to be presented to the~~
 6 ~~superintendent of public instruction. The superintendent of~~
 7 ~~public instruction shall examine the application and draft~~
 8 ~~recommendations. The application, together with all~~
 9 ~~recommendations, shall be presented by the superintendent of~~
 10 ~~public instruction to the next following legislature.~~

11 (2) The ~~superintendent of public instruction~~ board of
 12 regents shall recognize the ~~presently~~ ~~-----designated~~
 13 ~~postsecondary vocational-technical centers operated by the~~
 14 ~~respective board of trustees of~~ designated prior to [the
 15 effective date of this act] in school district number 1 of
 16 Silver Bow County, high school district number 1 of Lewis
 17 and Clark County, high school district "A" of Cascade
 18 County, Missoula County high school, and high school
 19 district number 2 of Yellowstone County."

20 Section 15. Section 20-7-312, MCA, is amended to read:

21 "20-7-312. Local administration of
 22 vocational-technical center. (1) Subject to the requirements
 23 of the laws of the state of Montana and the policies and
 24 rules of the ~~superintendent of public instruction~~ as
 25 administered by the state director of vocational education,

1 ~~the--board--of--trustees--operating-a-postsecondary~~ board of
 2 regents, the director of a vocational-technical center has
 3 administrative and supervisory control of the center and
 4 shall:

5 ~~{a}~~ {a} employ, ~~from--among--qualified--applicants,~~ ---a
 6 postsecondary-vocational-technical-center-director;

7 ~~{b}~~ {a} employ administrative personnel, ~~---faculty~~
 8 members,---and---employees for the postsecondary
 9 vocational-technical center according to the policies and
 10 procedures rules of the board of trustees regents;

11 ~~{c}~~ {b} recommend, develop, and submit budgets a
 12 recommended budget for the postsecondary
 13 vocational-technical centers center;

14 ~~{d}~~ {c} establish and collect student tuition and fees;

15 ~~{e}~~ {d} recommend to the superintendent ~~---of---public~~
 16 instruction---through---the--state--director--of--vocational
 17 education board of regents;

18 (i) proposals regarding postsecondary
 19 vocational-technical center programs, budgets, student
 20 services, and public service activities; and

21 (ii) campus development and program plans for
 22 individual postsecondary vocational-technical center
 23 buildings;

24 ~~{f}~~ {e} manage buildings erected-and-equipped-on-leased
 25 grounds at the vocational-technical center;

1 ~~{g}~~ {f} receive and administer gifts and bequests to
 2 the postsecondary vocational-technical center according to a
 3 written plan submitted to the superintendent--of-public
 4 instruction board of regents; and

5 ~~{h}~~ {g} perform any other administrative
 6 responsibilities duties not inconsistent with law and
 7 required by the superintendent-of-public--instruction board
 8 of regents.

9 (2) The board--of--trustees--operating director of a
 10 postsecondary vocational-technical center may not enter into
 11 any contract that in any way creates a debt or obligation
 12 upon the state for the improvement or construction of
 13 postsecondary vocational-technical center buildings on
 14 leased-property."

15 Section 16. Section 20-7-314, MCA, is amended to read:

16 "20-7-314. Lease or purchase of state property for
 17 postsecondary vocational-technical center purposes. (1) The
 18 state of Montana, acting by-and through the superintendent
 19 of-public-instruction, is-hereby-empowered-and-authorized-to
 20 enter-into-a board of regents, may lease, agreement for a
 21 term not to exceed 40 years, in-order-to-lease-to-a-district
 22 operating--a--postsecondary--vocational-technical-center any
 23 building or lands owned-by-the-state-and-financed--in-whole
 24 or--in--part--by-an-appropriation-made-by-the-legislature-of
 25 the-state-of-Montana for the purpose--of--supporting--the

1 ~~district's--postsecondary a vocational-technical center. The~~
 2 ~~consideration-necessary-to--support--such--a--lease--may--be~~
 3 ~~nominal.~~

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

1 fund, building fund, general fund, or any combination of
 2 these funds, at the discretion of the trustees of the school
 3 district."

4 Section 17. Section 20-7-322, MCA, is amended to read:
 5 "20-7-322. State treasurer custodian of vocational
 6 education ~~moneys~~ money. (1) The treasurer of the state of
 7 Montana is hereby designated as the custodian of all federal
 8 and state ~~moneys~~ money designated, appropriated, or
 9 apportioned for vocational education. All ~~moneys~~ money
 10 received from any federal or state source for the
 11 establishment, operation, or furtherance of vocational
 12 education in the state shall be deposited with the state
 13 treasurer. At the direction of the superintendent of public
 14 instruction, he shall disburse all ~~moneys--appropriated--or~~
 15 money received for K-12 vocational education. At the
 16 direction of the board of regents, he shall disburse all
 17 money received for vocational-technical education.

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

24 Section 18. Section 20-7-324, MCA, is amended to read:
 25 "20-7-324. Sources of financing for postsecondary

1 vocational-technical center budgets -- superintendent--of
 2 public-instruction-administration distribution of funds. (1)
 3 The total of the budgets approved by the superintendent-of
 4 public-instruction board of regents shall constitute the
 5 total maximum approved statewide vocational-technical center
 6 system budget which shall be financed as follows:

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

11 (b) The board of county commissioners of each county
 12 in--which--a--designated--postsecondary-vocational-technical
 13 center-is-located shall levy a tax in each calendar year of
 14 ~~1-1/2~~ 3 1 1/2 mills on the dollar of all taxable property,
 15 real and personal, within the county TO RAISE THE AMOUNT
 16 APPROPRIATED BY THE LEGISLATURE for the support and
 17 maintenance of the postsecondary vocational-technical center
 18 located within the county system. THE TAX IS TO BE EFFECTIVE
 19 FOR THE TAXABLE YEAR BEGINNING ON OR AFTER JANUARY 1, 1988.

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

25 ~~(d)--The--board--of--trustees--of--any--designated-high~~

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

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

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

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

20 (2) The superintendent-of-public-instruction board of
 21 regents shall direct the distribution of the funds specified
 22 in subsections--(1)(a)--through--(1)(c) subsection (1) on the
 23 basis of the budgets approved by the superintendent--of
 24 public-instruction board of regents. The funds earned by the
 25 mill levy specified in subsection (1)(b) shall be credited

1 to the postsecondary vocational-technical center account in
 2 the unrestricted subfund of the current fund in the state
 3 treasury.

4 ~~{3}--The superintendent--of--public--instruction--shall
 5 determine--the-amount-of-financing-available-from-these-four
 6 sources-of-revenue-and-may-approve-budgets-for--instruction,
 7 plant--operations--and--maintenance, equipment, and support.
 8 The aggregate amount of--the--budgets--so--approved--by--the
 9 superintendent--of--public--instruction--for--postsecondary
 10 vocational-technical-centers-shall--not--exceed--the--moneys
 11 determined-to-be-available."~~

12 Section 19. Section 20-7-325, MCA, is amended to read:

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

1 the state treasury shall be made in accordance with
 2 procedures established by the department of administration.
 3 Such expenditures shall be made under the budget and for the
 4 programs approved by the ~~superintendent--of--public~~
 5 instruction board of regents under the--provisions--of
 6 ~~20-7-323~~ and the financial administration provisions of this
 7 title.

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

15 ~~{3}--The-----approval-----of-----the-----postsecondary
 16 vocational-technical-center-budget-and--subsequent--revision
 17 or--amendment-of-such-budget-by-the-superintendent-of-public
 18 instruction-shall-constitute-the-final-budget-approval.~~

19 ~~{4}--Whenever--the--county--tax--prescribed--in
 20 20-7-324(i)(b)-is-to-be-used-in-support-of-the-postsecondary
 21 vocational-technical--center,--the--county-commissioners-are
 22 authorized-to-levy-such-tax-on-the-county-in-accordance-with
 23 the-provisions-of-20-9-142."~~

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

25 "20-7-327. Source of financing for postsecondary

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

8 Section 21. Section 20-7-332, MCA, is amended to read:

9 "20-7-332. Tuition rates. (1) Tuition may be charged
 10 to any resident or nonresident of the state of Montana by
 11 the ~~governing---~~ board director of any ~~postsecondary~~
 12 vocational-technical center at rates to be determined by the
 13 ~~superintendent-of-public-instruction~~ board of regents. The
 14 ~~superintendent--of-public-instruction~~ board of regents shall
 15 ~~also~~ prescribe permissible uses for any tuition authorized.

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

23 Section 22. Section 20-7-333, MCA, is amended to read:

24 "20-7-333. ~~Pupii~~ Student fees and disposition of
 25 collected fees. (1) Fees for the use of equipment and

1 material used in instruction may be charged by the trustees
 2 ~~or--other--governing--board~~ director of the ~~postsecondary~~
 3 vocational-technical center. The ~~superintendent--of--public~~
 4 ~~instruction~~ board of regents shall prescribe the ~~basis~~ bases
 5 and limitations for the charging of such fees.

6 (2) Fees collected by the ~~postsecondary~~
 7 vocational-technical center shall be deposited with the
 8 state treasurer in the fund designated by the ~~superintendent~~
 9 ~~of--public--instruction~~ board of regents for the receipt of
 10 such fees. The expenditure of the fees shall not be subject
 11 to budget limitations and shall be in addition to the
 12 program budgets approved by the ~~superintendent-of-public~~
 13 ~~instruction~~ board of regents."

14 Section 23. Section 20-9-403, MCA, is amended to read:

15 "20-9-403. Bond issues for certain purposes. (1) The
 16 trustees of a school district may issue and negotiate bonds
 17 on the credit of the school district for the purpose of:

18 (a) building, altering, repairing, buying, furnishing,
 19 equipping, purchasing lands for, and/or obtaining a water
 20 supply for a school, teacherage, dormitory, gymnasium, other
 21 building, or combination of said buildings for school
 22 purposes, ~~---including---~~ ~~postsecondary--vocatinal--technical~~
 23 ~~centers-in-the-school-district;~~

24 (b) buying a school bus or buses;

25 (c) providing the necessary money to redeem matured

1 bonds, maturing bonds, or coupons appurtenant to bonds when
2 there is not sufficient money to redeem them;

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

6 (e) funding a judgment against the district.

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

13 Section 24. Section 20-9-513, MCA, is amended to read:

14 "20-9-513. ~~Postsecondary-----vocational-technical~~
15 Vocational-technical center and adult basic education
16 programs account established. There is within the state
17 special revenue fund a ~~postsecondary~~ vocational-technical
18 center and adult basic education account. Money is paid into
19 the account under 90-6-211. The state treasurer shall draw
20 warrants payable from this account upon order of the
21 superintendent of public instruction or the board of regents
22 up to the amount provided for each under 90-6-211 by the
23 biennium budget passed by the legislature."

24 Section 25. Section 39-71-118, MCA, is amended to
25 read:

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

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

18 (b) a recipient of general relief who is performing
19 work for a county of this state under the provisions of
20 53-3-303 through 53-3-305 and any juvenile performing work
21 under authorization of a district court judge in a
22 delinquency prevention or rehabilitation program;

23 (c) a person receiving on-the-job vocational
24 rehabilitation training or other on-the-job training under a
25 state or federal vocational training program, whether or not

1 under an appointment or contract of hire with an employer as
 2 defined in this chapter and whether or not receiving payment
 3 from a third party. However, this subsection does not apply
 4 to students enrolled in vocational training programs as
 5 outlined above while they are on the premises of a public
 6 school or community college.

7 (d) students enrolled and in attendance in programs of
 8 vocational-technical education ~~approved-by-the--state--board~~
 9 ~~of---public---education~~ at designated ~~postsecondary~~
 10 vocational-technical centers; or

11 (e) an airman or other person employed as a volunteer
 12 under 67-2-105.

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

1 less than \$900 a month and not more than 1 1/2 times the
 2 average weekly wage as defined in this chapter."

3 Section 26. Section 90-6-211, MCA, is amended to read:
 4 "90-6-211. Disposition of interest from unexpended
 5 balance. The unexpended balance in the local impact and
 6 education trust fund account shall be invested as provided
 7 by statute by the board of investments. Of the income from
 8 such investments each year 10% shall be paid into the state
 9 special revenue fund for use by the superintendent of public
 10 instruction for purposes of ~~the---postsecondary~~
 11 ~~vocational-technical---centers--and~~ adult basic education
 12 programs in the state, ~~subject-to-the-budgeting-authority-of~~
 13 ~~the-legislature~~ and for use by the board of regents for
 14 vocational-technical center education programs in the state,
 15 as provided in the biennium budget passed by the
 16 legislature. Within the account under 20-9-513, the revenue
 17 is shared between the ~~postsecondary~~ vocational-technical
 18 centers and the adult basic education programs as provided
 19 in the biennium budget passed by the legislature. Of the
 20 remaining 90% of the income from such investments,
 21 three-fourths shall be annually paid into the state special
 22 revenue fund for state equalization aid to public schools of
 23 the state and one-fourth each year shall be paid to the
 24 board of regents of higher education for use by the
 25 institutions of higher learning in the state, subject to the

1 budgeting authority of the legislature. Except as provided
 2 in 90-6-205(5), the principal of the local impact and
 3 education trust fund shall be dedicated to education and
 4 forever remain inviolate and sacred to this purpose as
 5 provided in sections 3 and 10 of Article X of the Montana
 6 constitution."

7 NEW SECTION. Section 27. Repealer. Sections 20-7-304,
 8 20-7-313, 20-7-323, 20-7-326, 20-7-331, 20-9-404, and
 9 20-9-405, MCA, are repealed.

10 NEW SECTION. Section 28. Extension of authority. Any
 11 existing authority of the superintendent of public
 12 instruction to make rules on the subject of the provisions
 13 of this act is extended to the provisions of this act.

14 NEW SECTION. Section 29. Codification instructions.
 15 (1) Sections 1 through 5 are intended to be codified as an
 16 integral part of Title 20, and the provisions of Title 20
 17 apply to sections 1 through 5.

18 (2) Sections 20-7-311, 20-7-312, 20-7-314, 20-7-322,
 19 20-7-324, 20-7-325, 20-7-327, 20-7-332, and 20-7-333 are
 20 intended to be renumbered and codified as an integral part
 21 of a new chapter in Title 20 on the governance of
 22 vocational-technical centers.

23 NEW SECTION. Section 30. Code commissioner name
 24 change. In all sections of the Montana Code Annotated not
 25 contained in this act and in all provisions passed by the

1 50th legislature wherein reference is made to a
 2 postsecondary vocational-technical center, the code
 3 commissioner shall change the reference to
 4 vocational-technical center.

5 NEW SECTION. Section 31. Effective date. This act is
 6 effective July 1, 1987.

-End-

1 STATEMENT OF INTENT

2 HOUSE BILL 39

3 House Education and Cultural Resources Committee

4

5 Section 1 of the bill requires the board of regents to
6 adopt rules implementing the board's powers and duties. The
7 legislature intends these rules to encompass the full range
8 of board powers and duties and intends that the board begin
9 the process of adopting rules prior to the July 1, 1987,
10 effective date for implementation of the act.

11 The board should study the office of public
12 instruction's postsecondary vocational-technical education
13 rules, which are superseded by this act, since these rules
14 may give the board guidance.

1 HOUSE BILL NO. 39

2 INTRODUCED BY DONALDSON, BLAYLOCK, RASMUSSEN, LORY,
3 M. WILLIAMS, REAM, MCCALLUM, MAZUREK, GRADY, EUDAILY
4 BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE
5 ON VO-TECHS/JOB TRAINING
6

7 A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING GOVERNANCE
8 OF THE POSTSECONDARY VOCATIONAL-TECHNICAL CENTERS TO THE
9 BOARD OF REGENTS OF HIGHER EDUCATION; RENAMING POSTSECONDARY
10 VOCATIONAL-TECHNICAL CENTERS AS VOCATIONAL-TECHNICAL
11 CENTERS; ALLOWING FOR A VOTE FOR AN ADDITIONAL LEVY TO
12 SUPPORT A CENTER; REQUESTING THE BOARD OF REGENTS TO REPORT
13 TO THE 51ST LEGISLATURE ON POSSIBLE REORGANIZATION OF
14 POSTSECONDARY VOCATIONAL-TECHNICAL EDUCATION; AMENDING
15 SECTIONS 19-4-302, 20-1-101, 20-3-103, 20-3-106, 20-6-501,
16 20-7-301, 20-7-302.1, 20-7-303, 20-7-311, 20-7-312,
17 20-7-314, 20-7-322, 20-7-324, 20-7-325, 20-7-327, 20-7-332,
18 20-7-333, 20-9-403, 20-9-513, 39-71-118, AND 90-6-211, MCA;
19 REPEALING SECTIONS 20-7-304, 20-7-313, 20-7-323, 20-7-326,
20 20-7-331, 20-9-404, AND 20-9-405, MCA; AND PROVIDING AN
21 EFFECTIVE DATE."

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

24 NEW SECTION. Section 1. Powers and duties of board of
25 regents. The board of regents has general administrative and

1 supervisory control over vocational-technical center
2 education and shall:

3 (1) establish and when necessary amend a plan for the
4 orderly development of vocational-technical center education
5 that is consistent with federal and state law, controlled to
6 prevent unnecessary duplication, and funded to ensure
7 necessary growth and quality education;

8 (2) adopt standards for courses and programs;

9 (3) implement a review process for establishing and
10 deleting programs and courses that recognizes the present
11 and future needs of employers and provides qualified
12 graduates for positions for which there is or may in the
13 near future be a demand;

14 (4) establish student entrance and graduation
15 requirements;

16 (5) appoint a director, to serve at the pleasure of
17 the board, for each vocational-technical center and
18 establish minimum qualifications for faculty, directors,
19 administrative staff, and other personnel;

20 (6) appoint a commissioner of vocational-technical
21 center education, to serve at the pleasure of the board;

22 (7) establish student tuition and prescribe the bases
23 and limitations for charging of fees, taking into account
24 funding available from all other sources AND THE PROVISIONS
25 OF 20-7-332(3);

1 (8) determine the amount to be paid for the lease of
2 buildings;

3 (9) adopt budget requests for the vocational-technical
4 center education system;

5 (10) establish a procedure by which students can
6 receive part of their education and training through
7 programs, courses, and on-the-job training offered by the
8 private sector and not available at the centers;

9 (11) establish a procedure by which qualified persons
10 in the private sector can participate in the training and
11 teaching of students in the centers' classrooms when such
12 persons have training, knowledge, and skills not available
13 through the centers' faculty;

14 (12) provide means by which the centers' faculty can
15 obtain advanced education and training in new areas and
16 either be reimbursed for their expenses or raised to a
17 higher salary level, or both;

18 (13) establish for the various centers uniform policies
19 for recordkeeping; financial transactions; accounting;
20 maintenance; recruiting, guidance, and placement of
21 students; examinations; personnel relations; and other
22 matters as determined by the board;

23 (14) negotiate with the bargaining representative for
24 personnel of each center or the personnel of the center
25 system in a manner consistent with state and federal law;

1 (15) work with other institutions of higher education
2 to implement the transfer of course credits between those
3 institutions and the vocational-technical centers; and

4 (16) adopt rules and procedures to implement this
5 section and to carry out any other powers and duties of the
6 board.

7 NEW SECTION. Section 2. Sole state agency for federal
8 vocational education requirements. (1) The board of regents
9 is the sole state agency for purposes of the 1985 1984
10 federal Carl D. Perkins Vocational Education Act, 44-U-S-C-
11 23017-et-seq., AS MAY BE AMENDED, which requires a state
12 participating in programs under that act to designate a
13 state board or agency as the sole state agency responsible
14 for administration or supervision of the administration of
15 those programs.

16 (2) THE BOARD OF REGENTS SHALL CONTRACT WITH THE
17 SUPERINTENDENT OF PUBLIC INSTRUCTION FOR THE ADMINISTRATION
18 AND SUPERVISION OF K-12 VOCATIONAL EDUCATION PROGRAMS,
19 SERVICES, AND ACTIVITIES ALLOWED BY THE 1984 FEDERAL CARL D.
20 PERKINS VOCATIONAL EDUCATION ACT, AS MAY BE AMENDED, AND IN
21 CONCERT WITH THE STATE PLAN FOR VOCATIONAL EDUCATION
22 REQUIRED BY THE FEDERAL ACT. THE BOARD OF REGENTS MAY
23 CONTRACT WITH OTHER AGENCIES FOR THE ADMINISTRATION AND
24 SUPERVISION OF OTHER VOCATIONAL EDUCATION PROGRAMS,
25 SERVICES, AND ACTIVITIES THAT RECEIVE FUNDING ALLOWED BY THE

1 1984 FEDERAL CARL D. PERKINS VOCATIONAL EDUCATION ACT, AS
2 MAY BE AMENDED.

3 NEW SECTION. Section 3. Local advisory boards. The
4 board of trustees of a school district in which a
5 vocational-technical center is located shall appoint a local
6 advisory board, composed of at least five residents of the
7 county where the center is located, to act in an advisory
8 capacity to the center and the board of regents.

9 NEW SECTION. Section 4. Duties of the commissioner of
10 vocational-technical center education. The commissioner of
11 vocational-technical center education shall, under the rules
12 and policies of the board of regents:

13 (1) be the chief administrative officer for the board
14 of regents for the administration of its
15 vocational-technical center rules and policies;

16 (2) employ, within the limits of any legislative
17 appropriation and with the confirmation of the board of
18 regents, the staff necessary for the state supervision and
19 administration of the board's vocational-technical center
20 rules and policies;

21 (3) provide supervisory and consultative assistance to
22 centers;

23 (4) report the status of vocational-technical center
24 education in Montana when requested by the board of regents;
25 and

1 (5) perform any other duties assigned by the board of
2 regents.

3 NEW SECTION. Section 5. Existing center employees.
4 (1) The rights of persons employed by a vocational-technical
5 center under a collective bargaining agreement in effect
6 prior to DURING THE PERIOD FROM JULY 1, 1987, TO July 1,
7 1989, may not be impaired, AND THEY MAY, AT ANY TIME PRIOR
8 TO JULY 1, 1989, EXERCISE ANY RIGHT THEY HAVE UNDER A
9 COLLECTIVE BARGAINING AGREEMENT TO TRANSFER TO ANOTHER
10 POSITION WITHIN THE SCHOOL DISTRICT.

11 (2) A person employed by a center under a school
12 district on June 30, 1989, becomes an employee of the board
13 of regents on July 1, 1989.

14 (3) Following [the effective date of this section],
15 the employees of any center OR THE BOARD OF REGENTS may
16 apply to the board of personnel appeals for determination of
17 the appropriate bargaining unit or units for the purposes of
18 collective bargaining for a contract or contracts to be
19 negotiated with the board of regents prior to July 1, 1989.

20 (4) If a person is employed by a center in any
21 capacity on July 1, 1989, and has accumulated sick,
22 vacation, or other leave and years of service with a school
23 district, such leave and years of service shall be
24 transferred fully regardless of the length of employment
25 with the district in which the center is located.

1 Section 6. Section 19-4-302, MCA, is amended to read:

2 "19-4-302. Active membership. (1) Unless otherwise
3 provided by this chapter, the following persons must be
4 active members of the retirement system, with the exception
5 that those persons who became eligible for membership on
6 September 1, 1937, or on September 1, 1939, and who elected
7 not to become members under the provisions of the law at
8 that time are not required to be members:

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

11 (b) any person who is an administrative officer or a
12 member of the instructional or scientific staff of a unit of
13 the Montana university system or a vocational-technical
14 center;

15 (c) any person employed in an instructional services
16 capacity by the office of the superintendent of public
17 instruction, the office of a county superintendent, a
18 special education cooperative, a public institution of the
19 state of Montana, the Montana state school for the deaf and
20 blind, or a school district;

21 (d) any person who has elected not to become a member
22 of the retirement system and is reentering service in a
23 capacity prescribed by (a), (b), or (c) of this subsection
24 (1);

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

1 of the retirement system, who has been continuously employed
2 in a capacity prescribed by (a), (b), or (c) of this
3 subsection (1) since the time of such election, and who may
4 thereafter elect to become a member of the retirement
5 system.

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

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

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

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

16 Section 7. Section 20-1-101, MCA, is amended to read:

17 "20-1-101. Definitions. As used in this title, unless
18 the context clearly indicates otherwise, the following
19 definitions apply:

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

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

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

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

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

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

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

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

21 ~~{8}--"Postsecondary-vocational-technical-center"--means~~
 22 ~~a-school-used-principally-for-the-provision-of-postsecondary~~
 23 ~~vocational-technical-education--to--persons--who-qualify-as~~
 24 ~~postsecondary-vocational-technical-pupils--These-centers-are~~
 25 ~~designated-by-the-superintendent-of-public-instruction--upon~~

1 ~~direction--by--the--legislature--All-other-public-or-private~~
 2 ~~schools-are-hereby-prohibited-from-using-this-title.~~

3 ~~{9}--"Postsecondary---vocational-technical---education"~~
 4 ~~means---vocational-technical---education---of---postsecondary~~
 5 ~~vocational-technical--pupils--which--is---conducted---by---a~~
 6 ~~postsecondary--vocational-technical-center-or-other-programs~~
 7 ~~as-designated-by-the-superintendent-of--public--instruction.~~
 8 ~~Postsecondary--vocational-technical-education-shall-include~~
 9 ~~the-13th-and-14th-year-and-beyond-but-will-not-include--work~~
 10 ~~toward-a-baccalaureate-degree.~~

11 ~~{10}--"Postsecondary-vocational-technical-pupil"--means-a~~
 12 ~~person--who--has--completed--or--left-school--is-at-least-16~~
 13 ~~years-of-age--and-is-available-for-study-in-preparation--for~~
 14 ~~entering--the-labor-market--for-reentering-the-labor-market,~~
 15 ~~or-for-employment-stability-or-advancement-in-employment.~~

16 ~~{11}{9} "Principal" means any person who holds a valid~~
 17 ~~class 3 Montana teacher certificate with an applicable~~
 18 ~~principal'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 ~~principal. For the purposes of this title, any reference to~~
 23 ~~a teacher shall be construed as including a principal, as~~
 24 ~~herein defined.~~

25 ~~{12}{10} "Pupil" means any child who is 6 years of age~~

1 or older on or before September 10 of the year in which the
 2 child is to enroll or has been enrolled by special
 3 permission of the board of trustees under 20-5-101(3) but
 4 has not yet reached his 19th birthday and who is enrolled in
 5 a school established and maintained under the laws of the
 6 state of Montana at public expense.

7 ~~(13)~~(11) "Pupil instruction" means the conduct of
 8 organized instruction of pupils enrolled in public schools
 9 while under the supervision of a teacher.

10 ~~(14)~~(12) "Regents" means the board of regents of higher
 11 education.

12 ~~(15)~~(13) "School food services" means a service of
 13 providing food for the pupils of a district on a nonprofit
 14 basis and shall include any food service financially
 15 assisted through funds or commodities provided by the United
 16 States government.

17 ~~(16)~~(14) "The state board of education" is the board
 18 composed of the board of public education and the board of
 19 regents as specified in Article X, section 9, subsection
 20 (1), of the 1972 Montana constitution.

21 ~~(17)~~(15) "State university" means the Montana state
 22 university, located at Bozeman.

23 ~~(18)~~(16) "Superintendent of public instruction" means
 24 that state government official designated as a member of the
 25 executive branch by the constitution of Montana.

1 ~~(19)~~(17) "System" means the Montana university system.
 2 ~~(20)~~(18) "Teacher" means any person, except a district
 3 superintendent, who holds a valid Montana teacher
 4 certificate that has been issued by the superintendent of
 5 public instruction under the provisions of this title and
 6 the policies adopted by the board of public education and
 7 who is employed by a district as a member of its
 8 instructional, supervisory, or administrative staff. This
 9 definition of a teacher shall also include any person for
 10 whom an emergency authorization of employment of such person
 11 has been issued under the provisions of 20-4-111.

12 ~~(21)~~(19) "Textbook" means a book or manual used as a
 13 principal source of study material for a given class or
 14 group of students.

15 ~~(22)~~(20) "Textbook dealer" means any party, company,
 16 corporation, or other organization selling, offering to
 17 sell, or offering for adoption textbooks to districts in the
 18 state of Montana.

19 ~~(23)~~(21) "Trustees" means the governing board of a
 20 district.

21 ~~(24)~~(22) "University" means the university of Montana,
 22 located at Missoula.

23 ~~(25)~~(23) "Vocational education" means the instruction
 24 to prepare or improve the pupil for gainful employment that
 25 does not require a baccalaureate or higher degree. This

1 definition of vocational education shall include guidance
2 and prevocational, related, or technical instruction
3 necessary to prepare the pupil for further vocational
4 education or for entry into employment.

5 (24) "Vocational-technical center" means an institution
6 used principally for the provision of vocational-technical
7 education to persons who qualify as vocational-technical
8 students. These centers are designated by the board of
9 regents upon direction by the legislature. All other public
10 or private institutions or schools are hereby prohibited
11 from using this title.

12 (25) "Vocational-technical education" means
13 vocational-technical education of vocational-technical
14 students that is conducted by a vocational-technical center,
15 a unit of the Montana university system, or a community
16 college as designated by the board of regents."

17 Section 8. 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 9. Section 20-3-106, MCA, is amended to read:

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

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

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

1 emergency authorizations of employment;
 2 (3) negotiate reciprocal tuition agreements with other
 3 states in accordance with the provisions of 20-5-314;
 4 (4) serve on the teachers' retirement board in
 5 accordance with the provisions of 2-15-1010;
 6 (5) approve or disapprove the orders of a high school
 7 boundary commission in accordance with the provisions of
 8 20-6-311;
 9 (6) approve or disapprove the opening or reopening of
 10 a school in accordance with the provisions of 20-6-502,
 11 20-6-503, 20-6-504, or 20-6-505;
 12 (7) approve or disapprove school isolation within the
 13 limitations prescribed by 20-9-302;
 14 (8) generally supervise the school budgeting
 15 procedures prescribed by law in accordance with the
 16 provisions of 20-9-102 and prescribe the school budget
 17 format in accordance with the provisions of 20-9-103 and
 18 20-9-506;
 19 (9) establish a system of communication for
 20 calculating joint district revenues in accordance with the
 21 provisions of 20-9-151;
 22 (10) approve or disapprove the adoption of a district's
 23 emergency budget resolution under the conditions prescribed
 24 in 20-9-163 and publish rules for an application for
 25 additional state aid for an emergency budget in accordance

1 with the approval and disbursement provisions of 20-9-166;
 2 (11) generally supervise the school financial
 3 administration provisions as prescribed by 20-9-201(2);
 4 (12) prescribe and furnish the annual report forms to
 5 enable the districts to report to the county superintendent
 6 in accordance with the provisions of 20-9-213(5) and the
 7 annual report forms to enable the county superintendents to
 8 report to the superintendent of public instruction in
 9 accordance with the provisions of 20-3-209;
 10 (13) approve, disapprove, or adjust an increase of the
 11 average number belonging (ANB) in accordance with the
 12 provisions of 20-9-313 and 20-9-314;
 13 (14) distribute state equalization aid in support of
 14 the foundation program in accordance with the provisions of
 15 20-9-342, 20-9-346, and 20-9-347;
 16 (15) distribute state impact aid in accordance with the
 17 provisions of 20-9-304;
 18 (16) provide for the uniform and equal provision of
 19 transportation by performing the duties prescribed by the
 20 provisions of 20-10-112;
 21 (17) approve or disapprove an adult education program
 22 for which a district proposes to levy a tax in accordance
 23 with the provisions of 20-7-705;
 24 (18) request, accept, deposit, and expend federal
 25 moneys in accordance with the provisions of 20-9-603;

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

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

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

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

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

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

21 (25) license textbook dealers and initiate prosecution
 22 of textbook dealers violating the law in accordance with the
 23 provisions of the textbooks part of this title;

24 (26) as the governing agent and executive officer of
 25 the state of Montana for K-12 vocational education, adopt

1 the policies prescribed by and in accordance with the
 2 provisions of 20-7-301;

3 ~~(27)-consider--applications--for--the--designation-of-a~~
 4 ~~postsecondary-vocational-technical-center-in-accordance-with~~
 5 ~~the-provisions-of-20-7-311;~~

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

9 ~~(29)~~(27) supervise and coordinate the conduct of
 10 special education in the state in accordance with the
 11 provisions of 20-7-403;

12 ~~(30)~~(28) administer the traffic education program in
 13 accordance with the provisions of 20-7-502;

14 ~~(31)~~(29) administer the school food services program in
 15 accordance with the provisions of 20-10-201, 20-10-202, and
 16 20-10-203;

17 ~~(32)~~(30) review school building plans and
 18 specifications in accordance with the provisions of
 19 20-6-622;

20 ~~(33)~~(31) prescribe the method of identification and
 21 signals to be used by school safety patrols in accordance
 22 with the provisions of 20-1-408; and

23 ~~(34)~~(32) perform any other duty prescribed from time to
 24 time by this title, any other act of the legislature, or the
 25 policies of the board of public education."

1 Section 10. Section 20-6-501, MCA, is amended to read:

2 "20-6-501. Definition of various schools. As used in
3 this title, unless the context clearly indicates otherwise,
4 the term "school" means an institution for the teaching of
5 children that is established and maintained under the laws
6 of the state of Montana at public expense. The trustees of
7 any district shall designate the grade assignments for the
8 schools of the district, but for the purposes of this title
9 each school shall be known as:

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

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

24 (a) a junior high school is a school comprising the
25 work of grades 7 through 9 or their equivalents that has

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

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

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

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

12 (e) a county high school is a 4-year high school
13 operated as an agency of county government and established
14 under the provisions of the acts of March 3, 1899, March 14,
15 1901, and any subsequent amendments thereto;

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

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

19 "20-7-301. Duties of the superintendent of public
20 instruction. The superintendent of public instruction shall
21 be the governing agent and executive officer of the state of
22 Montana for K-12 vocational education. The superintendent of
23 public instruction shall adopt and administer policies to
24 effect the orderly development of a system of K-12
25 vocational education that is adaptable to changing needs,

1 controlled to prevent unnecessary duplication, coordinated
 2 with federal guidelines and requirements for vocational
 3 education, and funded to ensure growth and quality
 4 programming. In order to accomplish the orderly development
 5 of a system of K-12 vocational education, the superintendent
 6 of public instruction policies shall include:

- 7 (1) a state plan for such development;
- 8 (2) standards for K-12 vocational education courses
 9 and programs;
- 10 ~~{3}--the---minimum---requirements---for---granting~~
 11 ~~postsecondary-vocational-technical-certificates-to-students;~~
 12 {4}{3} a review process for the establishment and
 13 deletion of programs;
- 14 ~~{5}--the-necessary-qualifications-that-a--postsecondary~~
 15 ~~vocational-technical-center-director-must-possess;~~
 16 {6}{4} instructor qualifications for K-12 vocational
 17 education courses and programs;
- 18 {7}{5} criteria for approval of K-12 vocational
 19 education courses and programs which--are--to--receive
 20 financial-assistance;
- 21 ~~{8}--criteria---for---receiving,---reviewing,---and~~
 22 ~~transmitting-----recommendations-----on-----postsecondary~~
 23 ~~vocational-technical-center-operations-and--budget--requests~~
 24 ~~to-the-legislature;~~
- 25 {9}{6} a basis for apportionment of all moneys

1 appropriated by the legislature for K-12 vocational
 2 education in accordance with the intent of the legislature
 3 as reflected in the terms of the appropriation;

4 ~~{10}{7}~~ a basis for apportionment of all moneys
 5 received by the state of Montana for K-12 vocational
 6 education from the federal government in accordance with the
 7 acts of congress;

8 ~~{11}{8}~~ a system of evaluation of K-12 vocational
 9 education which allows for consideration of the current and
 10 projected manpower needs and job opportunities; and

11 ~~{12}--the--tuition--and--fees--to--be--charged--at---the~~
 12 ~~postsecondary---vocational-technical---centers,--based--upon~~
 13 ~~legislative-appropriations-available-to--the--superintendent~~
 14 ~~of-public-instruction-for-postsecondary-vocational-technical~~
 15 ~~centers;~~

16 ~~{13}--the--allowable--costs--for-rental-of-buildings-for~~
 17 ~~postsecondary-vocational-technical-center-purposes;~~

18 ~~{14}--guidelines-for--the--authority--delegated--by--the~~
 19 ~~superintendent--of--public--instruction--to-the-local-school~~
 20 ~~district--board--of--trustees--operating---a---postsecondary~~
 21 ~~vocational-technical-center;-and~~

22 {15}{9} any other policy not inconsistent with public
 23 law and which is necessary for the proper operation of a
 24 system of K-12 vocational education."

25 Section 12. Section 20-7-302.1, MCA, is amended to

1 read:

2 "20-7-302.1. State director of K-12 vocational
3 education -- duties. There is a state director of K-12
4 vocational education appointed by the superintendent of
5 public instruction. He must:

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

8 (2) prepare curriculum guides for superintendent of
9 public instruction adoption;

10 (3) employ, with the confirmation of the
11 superintendent of public instruction, the professional staff
12 necessary for the state supervision and administration of
13 K-12 vocational education;

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

17 (5) keep all K-12 vocational education records in his
18 office;

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

21 (7) provide a postsecondary vocational-technical
22 center system policy and procedural handbook for
23 institutional operations that will standardize operations
24 among the centers;

25 (8) identify and direct the county treasurer in those

1 counties where postsecondary vocational-technical centers
2 are located to establish the necessary multifund structures
3 for postsecondary vocational-technical center financial
4 operations;

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

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

14 (11) (7) prepare any necessary reports for the
15 superintendent of public instruction or the legislature; and

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

19 (13) recommend a staffing pattern for the postsecondary
20 vocational-technical centers;

21 (14) provide for the evaluation of programs and
22 services within each postsecondary vocational-technical
23 center;

24 (15) provide for evaluation of each postsecondary
25 vocational-technical center's ability to meet employment and

1 ~~student-vocational-technical-education-needs, and~~
 2 ~~{16}(8)~~ perform any other duty assigned by the
 3 superintendent of public instruction."

4 Section 13. Section 20-7-303, MCA, is amended to read:

5 "20-7-303. ~~District---authorization~~ Authorization to
 6 establish and maintain vocational education courses and
 7 programs. The trustees of any an elementary or high school
 8 ~~district, community college district, or unit of the Montana~~
 9 ~~university system~~ may establish and maintain a vocational
 10 education course or program that complies with the K-12
 11 vocational education standards adopted by the superintendent
 12 of public instruction. In order for a course or program to
 13 be eligible for state or federal financing, it shall be
 14 approved by the superintendent of public instruction for
 15 compliance with K-12 vocational education standards."

16 Section 14. Section 20-7-311, MCA, is amended to read:

17 "20-7-311. ~~Postsecondary-----vocational-technical~~
 18 Vocational-technical center designation. (1) ~~Postsecondary~~
 19 ~~vocational-technical~~ Vocational-technical centers shall be
 20 designated by the ~~superintendent of public instruction only~~
 21 board of regents upon direction of the legislature.
 22 ~~Applications for designation must be made in accordance with~~
 23 ~~the following procedure:~~

24 ~~(a) The trustees of any high school district, of a~~
 25 ~~county high school, of a community college district, or the~~

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

10 ~~(b) Applications are to be presented to the~~
 11 ~~superintendent of public instruction. The superintendent of~~
 12 ~~public instruction shall examine the application and draft~~
 13 ~~recommendations. The application, together with all~~
 14 ~~recommendations, shall be presented by the superintendent of~~
 15 ~~public instruction to the next following legislature.~~

16 (2) The superintendent of public instruction board of
 17 regents shall recognize the ~~presently designated~~
 18 ~~postsecondary vocational-technical centers operated by the~~
 19 ~~respective board of trustees of designated prior to [the~~
 20 ~~effective date of this act] in school district number 1 of~~
 21 ~~Silver Bow County, high school district number 1 of Lewis~~
 22 ~~and Clark County, high school district "A" of Cascade~~
 23 ~~County, Missoula County high school, and high school~~
 24 ~~district number 2 of Yellowstone County."~~

25 Section 15. Section 20-7-312, MCA, is amended to read:

1 "20-7-312. Local administration of
 2 vocational-technical center. (1) Subject to the requirements
 3 of the laws of the state of Montana and the policies and
 4 rules of the ~~superintendent--of--public--instruction--as~~
 5 ~~administered-by-the-state-director-of-vocational--education,~~
 6 ~~the--board--of--trustees--operating-a-postsecondary~~ board of
 7 regents, the director of a vocational-technical center has
 8 administrative and supervisory control of the center and
 9 shall:

10 ~~(a)--employ,--from--among---qualified---applicants,---a~~
 11 ~~postsecondary-vocational-technical-center-director;~~

12 ~~(b)(a)~~ employ administrative personnel, ~~---faculty~~
 13 ~~members,---and---employees~~ for the postsecondary
 14 vocational-technical center according to the policies and
 15 procedures rules of the board of trustees regents;

16 ~~(c)(b)~~ recommend, develop, and submit budgets a
 17 recommended budget for the postsecondary
 18 vocational-technical centers center;

19 ~~(d)(c)~~ establish and collect student tuition and fees;

20 ~~(e)(d)~~ recommend to the ~~superintendent--of--public~~
 21 ~~instruction---through---the--state--director--of--vocational~~
 22 education board of regents:

23 (i) proposals regarding postsecondary
 24 vocational-technical center programs, budgets, student
 25 services, and public service activities; and

1 (ii) campus development and program plans for
 2 individual postsecondary vocational-technical center
 3 buildings;

4 ~~(f)(e)~~ manage buildings erected and equipped on leased
 5 grounds at the vocational-technical center;

6 ~~(g)(f)~~ receive and administer gifts and bequests to
 7 the postsecondary vocational-technical center according to a
 8 written plan submitted to the ~~superintendent--of--public~~
 9 instruction board of regents; and

10 ~~(h)(g)~~ perform any other administrative
 11 responsibilities duties not inconsistent with law and
 12 required by the ~~superintendent-of-public--instruction~~ board
 13 of regents.

14 (2) The ~~board--of--trustees--operating~~ director of a
 15 postsecondary vocational-technical center may not enter into
 16 any contract that in any way creates a debt or obligation
 17 upon the state for the improvement or construction of
 18 postsecondary vocational-technical center buildings on
 19 leased-property."

20 Section 16. Section 20-7-314, MCA, is amended to read:

21 "20-7-314. Lease or purchase of state property for
 22 postsecondary vocational-technical center purposes. (1) The
 23 state of Montana, acting by and through the superintendent
 24 of-public-instruction, is hereby empowered and authorized to
 25 enter-into-a board of regents, may lease, agreement for a

1 term not to exceed 40 years, ~~in order to lease to a district~~
 2 ~~operating a postsecondary vocational technical center~~ any
 3 building or lands ~~owned by the state and financed in whole~~
 4 ~~or in part by an appropriation made by the legislature of~~
 5 ~~the state of Montana~~ for the ~~purpose of supporting the~~
 6 ~~district's postsecondary a vocational technical center.~~ The
 7 ~~consideration necessary to support such a lease may be~~
 8 ~~nominal.~~

9 (2) ~~The superintendent of public instruction is hereby~~
 10 ~~authorized to transfer or direct transfer of title held by~~
 11 ~~the state of Montana in buildings or lands financed in whole~~
 12 ~~or in part by an appropriation by the state legislature to a~~
 13 ~~district operating a postsecondary vocational technical~~
 14 ~~center, at any time the superintendent of public instruction~~
 15 ~~deems such transfer to be in the best interests of both the~~
 16 ~~state and the district involved, provided that this~~
 17 ~~authorization extends only to buildings or lands which are~~
 18 ~~to be used by the district for postsecondary~~
 19 ~~vocational technical education purposes.~~ The state of
 20 Montana, acting through the board of regents and on demand
 21 of a school district, shall lease or purchase the equity or
 22 interest of the school district in any building, land, or
 23 other property at a vocational technical center on terms
 24 agreed to between the board of regents and the school
 25 district. A purchase may be by lump-sum payment, time

1 payments, the assumption of bonded indebtedness, or any
 2 other mutually agreeable method. Money received by a school
 3 district from the lease or sale under this subsection (2) of
 4 the school district's equity or interest in a building,
 5 land, or other property must be credited to the debt service
 6 fund, building fund, general fund, or any combination of
 7 these funds, at the discretion of the trustees of the school
 8 district."

9 Section 17. Section 20-7-322, MCA, is amended to read:
 10 "20-7-322. State treasurer custodian of vocational
 11 education moneys money. (1) The treasurer of the state of
 12 Montana is hereby designated as the custodian of all federal
 13 and state moneys money designated, appropriated, or
 14 apportioned for vocational education. All moneys money
 15 received from any federal or state source for the
 16 establishment, operation, or furtherance of vocational
 17 education in the state shall be deposited with the state
 18 treasurer. At the direction of the superintendent of public
 19 instruction, he shall disburse all moneys appropriated or
 20 money received for K-12 vocational education. At the
 21 direction of the board of regents, he shall disburse all
 22 money received for vocational technical education.

23 (2) The state treasurer is the treasurer for all
 24 postsecondary vocational technical centers, and all money
 25 received by postsecondary vocational technical centers from

1 any source shall be deposited in the state treasury pursuant
 2 to 17-6-105, unless the source of the money specifies
 3 deposit somewhere other than in the state treasury."

4 Section 18. Section 20-7-324, MCA, is amended to read:

5 "20-7-324. Sources of financing for postsecondary
 6 vocational-technical center budgets -- superintendent--of
 7 public-instruction-administration distribution of funds. (1)
 8 The total of the budgets approved by the superintendent-of
 9 public-instruction board of regents shall constitute the
 10 total maximum approved statewide vocational-technical center
 11 system budget which shall be financed as follows:

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

16 (b) The board of county commissioners of each county
 17 in--which--a--designated--postsecondary-vocational-technical
 18 center-is-located IN WHICH A DESIGNATED VOCATIONAL-TECHNICAL
 19 CENTER IS LOCATED shall levy a tax in each calendar year of
 20 1-1/2 3 1 1/2 mills on the dollar of all taxable property,
 21 real and personal, within the county TO RAISE THE AMOUNT
 22 APPROPRIATED BY THE LEGISLATURE for the support and
 23 maintenance of the postsecondary vocational-technical center
 24 located-within-the-county system. THE TAX IS TO BE EFFECTIVE
 25 FOR THE TAXABLE YEAR BEGINNING ON OR AFTER JANUARY 1,

1 1988.

2 (c) Designated postsecondary vocational-technical
 3 centers shall be eligible to receive such funds from the
 4 federal government as the superintendent--of--public
 5 instruction board of regents may provide pursuant to
 6 applicable acts of congress.

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

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

21 (ii)--any-other-funds-available-to-that--district--which
 22 may--be--legally--and--properly--applied--toward--such
 23 construction;

24 (iii)--the--reasonable--value--of--land,--buildings,
 25 fixtures,--or--equipment-furnished-by-that-district, subject

1 to the approval of the superintendent of public instruction.

2 (2) The superintendent of public instruction board of
 3 regents shall direct the distribution of the funds specified
 4 in subsections (a) through (c) subsection (1) on the
 5 basis of the budgets approved by the superintendent of
 6 public instruction board of regents. The funds earned by the
 7 mill levy specified in subsection (1)(b) shall be credited
 8 to the postsecondary vocational-technical center account in
 9 the unrestricted subfund of the current fund in the state
 10 treasury.

11 ~~{3}--The--superintendent--of--public--instruction--shall~~
 12 ~~determine--the--amount--of--financing--available--from--these--four~~
 13 ~~sources--of--revenue--and--may--approve--budgets--for--instruction,~~
 14 ~~plant--operations--and--maintenance,--equipment,--and--support.~~
 15 ~~The--aggregate--amount--of--the--budgets--so--approved--by--the~~
 16 ~~superintendent--of--public--instruction--for--postsecondary~~
 17 ~~vocational--technical--centers--shall--not--exceed--the--moneys~~
 18 ~~determined--to--be--available."~~

19 Section 19. Section 20-7-325, MCA, is amended to read:

20 "20-7-325. Postsecondary-----vocational-technical
 21 Vocational-technical center funding -- nongeneral fund money
 22 expended first -- reversion of general fund money. (1)
 23 Whenever--an--approved--postsecondary--vocational-technical
 24 center--under--the--provisions--of--20-7-311--is--operated--within--a
 25 district,--the--trustees--of--such--district The board of regents

1 shall request the establishment of the appropriate accounts
 2 for the vocational-technical center system in the state
 3 treasury. These accounts shall be established in the
 4 appropriate state treasury funds as determined by the
 5 department of administration. All money prescribed and
 6 received under the provisions of 20-7-324 shall be credited
 7 to these accounts. The expenditure of the money deposited in
 8 the state treasury shall be made in accordance with
 9 procedures established by the department of administration.
 10 Such expenditures shall be made under the budget and for the
 11 programs approved by the superintendent--of--public
 12 instruction board of regents under the--provisions--of
 13 20-7-323 and the financial administration provisions of this
 14 title.

15 (2) A postsecondary vocational-technical center shall
 16 apply expenditures against nongeneral fund money wherever
 17 possible before using state general fund appropriations. All
 18 state general fund money appropriated or disbursed to a
 19 postsecondary vocational-technical center which are
 20 unexpended at fiscal year end shall revert to the state
 21 general fund.

22 ~~{3}--The-----approval-----of-----the-----postsecondary~~
 23 ~~vocational-technical--center--budget--and--subsequent--revision~~
 24 ~~or--amendment--of--such--budget--by--the--superintendent--of--public~~
 25 ~~instruction--shall--constitute--the--final--budget--approval.~~

1 (4) Whenever the county tax prescribed in
 2 20-7-324(i)(b) is to be used in support of the postsecondary
 3 vocational-technical center, the county commissioners are
 4 authorized to levy such tax on the county in accordance with
 5 the provisions of 20-9-142."

6 Section 20. Section 20-7-327, MCA, is amended to read:
 7 "20-7-327. Source of financing for postsecondary
 8 vocational-technical center facility maintenance. The source
 9 of funds for maintenance, remodeling, and renovation of
 10 postsecondary vocational-technical center facilities may be
 11 either local funds federal funds or state funds specifically
 12 appropriated by the legislature and approved by the
 13 superintendent of public instruction board of regents, or
 14 any combination of these funds."

15 Section 21. Section 20-7-332, MCA, is amended to read:
 16 "20-7-332. Tuition rates. (1) Tuition may be charged
 17 to any resident or nonresident of the state of Montana by
 18 the governing board director of any postsecondary
 19 vocational-technical center at rates to be determined by the
 20 superintendent of public instruction board of regents AND
 21 THE PROVISIONS OF SUBSECTION (3). The superintendent of
 22 public instruction board of regents shall also prescribe
 23 permissible uses for any tuition authorized.

24 (2) For the purposes of this section the eligibility
 25 of a student for resident status shall be determined in the

1 same manner as that prescribed for use by the Montana
 2 university system, except that those provisions referring to
 3 "high school graduates" or "graduation from high school"
 4 shall be considered to refer to a person who has attended
 5 school or who was in attendance at a school.

6 (3) IF AN ADDITIONAL LEVY FOR A CENTER IS APPROVED
 7 UNDER [SECTION 27], THE BOARD OF REGENTS MAY CHARGE AN
 8 ADDITIONAL TUITION AMOUNT NOT TO EXCEED \$40 A QUARTER TO A
 9 STUDENT AT THE CENTER WHO IS A RESIDENT OF MONTANA BUT WHO
 10 IS NOT A PROPERTY TAXPAYER OF THE COUNTY OR AN OWNER OF A
 11 VEHICLE REGISTERED WITHIN THE COUNTY WHERE THE CENTER IS
 12 LOCATED."

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

21 (2) Fees collected by the postsecondary
 22 vocational-technical center shall be deposited with the
 23 state treasurer in the fund designated by the superintendent
 24 of public instruction board of regents for the receipt of
 25 such fees. The expenditure of the fees shall not be subject

1 to budget limitations and shall be in addition to the
 2 program budgets approved by the superintendent--of--public
 3 instruction board of regents."

4 Section 23. Section 20-9-403, MCA, is amended to read:
 5 "20-9-403. Bond issues for certain purposes. (1) The
 6 trustees of a school district may issue and negotiate bonds
 7 on the credit of the school district for the purpose of:

8 (a) building, altering, repairing, buying, furnishing,
 9 equipping, purchasing lands for, and/or obtaining a water
 10 supply for a school, teacherage, dormitory, gymnasium, other
 11 building, or combination of said buildings for school
 12 purposes,---including---postsecondary---vocational-technical
 13 centers-in-the-school-district;

14 (b) buying a school bus or buses;

15 (c) providing the necessary money to redeem matured
 16 bonds, maturing bonds, or coupons appurtenant to bonds when
 17 there is not sufficient money to redeem them;

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

21 (e) funding a judgment against the district.

22 (2) Any money realized from the sale of any bonds
 23 issued on the credit of a high school district shall not be
 24 used for any of the above purposes in an elementary school
 25 district, and such money may be used for any of the above

1 purposes for a junior high school but only to the extent
 2 that the 9th grade of the high school is served thereby."

3 Section 24. Section 20-9-513, MCA, is amended to read:

4 "20-9-513. ~~Postsecondary-----vocational-technical~~
 5 Vocational-technical center and adult basic education
 6 programs account established. There is within the state
 7 special revenue fund a postsecondary vocational-technical
 8 center and adult basic education account. Money is paid into
 9 the account under 90-6-211. The state treasurer shall draw
 10 warrants payable from this account upon order of the
 11 superintendent of public instruction or the board of regents
 12 up to the amount provided for each under 90-6-211 by the
 13 biennium budget passed by the legislature."

14 Section 25. Section 39-71-118, MCA, is amended to
 15 read:

16 "39-71-118. Employee, worker, and workman defined. (1)
 17 The terms "employee", "workman", or "worker" mean:

18 (a) each person in this state, including a contractor
 19 other than an independent contractor, who is in the service
 20 of an employer, as defined by 39-71-117, under any
 21 appointment or contract of hire, expressed or implied, oral
 22 or written. The terms include aliens and minors, whether
 23 lawfully or unlawfully employed, and all of the elected and
 24 appointed paid public officers and officers and members of
 25 boards of directors of quasi-public or private corporations

1 while rendering actual service for such corporations for
 2 pay. Casual employees as defined by 39-71-116(3) are
 3 included as employees if they are not otherwise covered by
 4 workers' compensation and if an employer has elected to be
 5 bound by the provisions of the compensation law for these
 6 casual employments, as provided in 39-71-401(2). Household
 7 or domestic service is excluded.

8 (b) a recipient of general relief who is performing
 9 work for a county of this state under the provisions of
 10 53-3-303 through 53-3-305 and any juvenile performing work
 11 under authorization of a district court judge in a
 12 delinquency prevention or rehabilitation program;

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

22 (d) students enrolled and in attendance in programs of
 23 vocational-technical education ~~approved-by-the-state-board~~
 24 ~~of---public---education~~ at designated ~~postsecondary~~
 25 vocational-technical centers; or

1 (e) an airman or other person employed as a volunteer
 2 under 67-2-105.

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

18 Section 26. Section 90-6-211, MCA, is amended to read:
 19 "90-6-211. Disposition of interest from unexpended
 20 balance. The unexpended balance in the local impact and
 21 education trust fund account shall be invested as provided
 22 by statute by the board of investments. Of the income from
 23 such investments each year 10% shall be paid into the state
 24 special revenue fund for use by the superintendent of public
 25 instruction for purposes of the---postsecondary

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

22 NEW SECTION. SECTION 27. ADDITIONAL LEVY BY SCHOOL
 23 DISTRICT -- PROCEDURE. (1) FOR SCHOOL FISCAL YEARS 1988 AND
 24 1989, THE TRUSTEES OF A SCHOOL DISTRICT THAT OPERATED A
 25 VOCATIONAL-TECHNICAL CENTER PRIOR TO JULY 1, 1987, MAY

1 PROPOSE TO THE BOARD OF REGENTS THAT A BUDGET FOR SALARIES,
 2 BENEFITS, OPERATIONS, AND EQUIPMENT BE ADOPTED FOR THE
 3 CENTER IN EXCESS OF THE AMOUNT APPROPRIATED BY THE
 4 LEGISLATURE.

5 (2) IF THE BOARD OF REGENTS APPROVES OF A BUDGET FOR A
 6 CENTER IN EXCESS OF THE APPROPRIATED AMOUNT, THE TRUSTEES OF
 7 THE DISTRICT THAT OPERATED THE CENTER SHALL SUBMIT TO THE
 8 QUALIFIED ELECTORS OF THE DISTRICT, PURSUANT TO 20-20-301
 9 AND IN THE MANNER PRESCRIBED BY 20-9-353, A PROPOSITION FOR
 10 AN ADDITIONAL LEVY FOR THE ADDITIONAL FUNDING. WHEN THE
 11 PROPOSITION IS PRESENTED TO THE ELECTORATE, THE PROPOSITION
 12 MUST BE PRESENTED AS A SEPARATE ISSUE ON THE BALLOT.

13 (3) IF A PROPOSITION FOR AN ADDITIONAL LEVY FOR A
 14 VOCATIONAL-TECHNICAL CENTER IS APPROVED BY THE ELECTORATE,
 15 THE BOARD OF REGENTS SHALL REQUEST THE ESTABLISHMENT OF AN
 16 INDIVIDUAL ACCOUNT FOR THE CENTER IN THE STATE TREASURY AS
 17 DETERMINED BY THE DEPARTMENT OF ADMINISTRATION. THE FUNDS IN
 18 EACH CENTER ACCOUNT ARE AVAILABLE FOR APPROVED EXPENDITURES
 19 FOR THE CENTER. AFTER JULY 1, 1989, ANY UNEXPENDED FUNDING
 20 IN A CENTER ACCOUNT MUST BE RETURNED TO THE SCHOOL DISTRICT
 21 THAT REQUESTED THE ADDITIONAL FUNDING.

22 NEW SECTION. SECTION 28. VOCATIONAL-TECHNICAL CENTER
 23 EQUIPMENT. THE EQUIPMENT OF A VOCATIONAL-TECHNICAL CENTER
 24 DESIGNATED PRIOR TO [THE EFFECTIVE DATE OF THIS ACT] MAY NOT
 25 BE TRANSFERRED FROM THE CENTER FOR 2 YEARS WITHOUT CONSENT

1 OF THE SCHOOL DISTRICT BOARD OF TRUSTEES THAT OPERATED THE
 2 CENTER PRIOR TO [THE EFFECTIVE DATE OF THIS ACT].

3 NEW SECTION. SECTION 29. REPORT BY BOARD OF REGENTS.
 4 THE BOARD OF REGENTS SHALL REPORT TO THE 51ST LEGISLATURE ON
 5 THE FOLLOWING CONCERNS:

6 (1) A PLAN FOR REORGANIZATION OF THE DELIVERY SYSTEM
 7 FOR ALL POSTSECONDARY VOCATIONAL-TECHNICAL EDUCATION IN
 8 MONTANA;

9 (2) A LONG-TERM PLAN FOR ACHIEVING HIGH QUALITY
 10 VOCATIONAL-TECHNICAL PROGRAMS AT THE VOCATIONAL-TECHNICAL
 11 CENTERS THROUGH THE POSSIBILITY OF PROGRAM SPECIALIZATION AT
 12 EACH CENTER;

13 (3) THE FEASIBILITY AND APPROPRIATENESS OF CLOSURE OF
 14 ONE OR MORE OF THE VOCATIONAL-TECHNICAL FACILITIES;

15 {3}(4) A PLAN FOR ELIMINATION OF PROGRAMS THAT SERVE
 16 FEW STUDENTS;

17 {4}(5) A PLAN FOR CONSOLIDATION OF ADMINISTRATIVE
 18 FUNCTIONS OF THE INDIVIDUAL CENTERS WHICH COULD RESULT IN
 19 COST SAVINGS AND MORE EFFICIENT OPERATIONS; AND

20 {5}(6) THE FEASIBILITY OF CONSOLIDATING POSTSECONDARY
 21 VOCATIONAL-TECHNICAL FACILITIES AND STAFF WITH NEARBY UNITS
 22 OF THE UNIVERSITY SYSTEM.

23 NEW SECTION. Section 30. Repealer. Sections 20-7-304,
 24 20-7-313, 20-7-323, 20-7-326, 20-7-331, 20-9-404, and
 25 20-9-405, MCA, are repealed.

1 NEW SECTION. Section 31. 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 32. Codification instructions.
 6 (1) Sections 1 through 5 AND 27 are intended to be codified
 7 as an integral part of Title 20, and the provisions of
 8 Title 20 apply to sections 1 through 5 AND 27.

9 (2) Sections 20-7-311, 20-7-312, 20-7-314, 20-7-322,
 10 20-7-324, 20-7-325, 20-7-327, 20-7-332, and 20-7-333 are
 11 intended to be renumbered and codified as an integral part
 12 of a new chapter in Title 20 on the governance of
 13 vocational-technical centers.

14 NEW SECTION. Section 33. Code commissioner name
 15 change. In all sections of the Montana Code Annotated not
 16 contained in this act and in all provisions passed by the
 17 50th legislature wherein reference is made to a
 18 postsecondary vocational-technical center, the code
 19 commissioner shall change the reference to
 20 vocational-technical center.

21 NEW SECTION. Section 34. Effective date. This act is
 22 effective July 1, 1987.

-End-

1 STATEMENT OF INTENT

2 HOUSE BILL 39

3 House Education and Cultural Resources Committee
4

5 Section 1 of the bill requires the board of regents to
6 adopt rules implementing the board's powers and duties. The
7 legislature intends these rules to encompass the full range
8 of board powers and duties and intends that the board begin
9 the process of adopting rules prior to the July 1, 1987,
10 effective date for implementation of the act.

11 The board should study the office of public
12 instruction's postsecondary vocational-technical education
13 rules, which are superseded by this act, since these rules
14 may give the board guidance.

1 HOUSE BILL NO. 39

2 INTRODUCED BY DONALDSON, BLAYLOCK, RASMUSSEN, LORY,
 3 M. WILLIAMS, REAM, MCCALLUM, MAZUREK, GRADY, EUDAILY
 4 BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE
 5 ON VO-TECHS/JOB TRAINING

6
 7 A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING GOVERNANCE
 8 OF THE POSTSECONDARY VOCATIONAL-TECHNICAL CENTERS TO THE
 9 BOARD OF REGENTS OF HIGHER EDUCATION; RENAMING POSTSECONDARY
 10 VOCATIONAL-TECHNICAL CENTERS AS VOCATIONAL-TECHNICAL
 11 CENTERS; ALLOWING FOR A VOTE FOR AN ADDITIONAL LEVY TO
 12 SUPPORT A CENTER; REQUESTING THE BOARD OF REGENTS TO REPORT
 13 TO THE 51ST LEGISLATURE ON POSSIBLE REORGANIZATION OF
 14 POSTSECONDARY VOCATIONAL-TECHNICAL EDUCATION; APPROPRIATING
 15 MONEY FROM THE LOCAL IMPACT AND EDUCATION TRUST FUND ACCOUNT
 16 TO THE BOARD OF REGENTS TO HELP FUND THE
 17 VOCATIONAL-TECHNICAL CENTERS; AMENDING SECTIONS 19-4-302,
 18 20-1-101, 20-3-103, 20-3-106, 20-6-501, 20-7-301,
 19 20-7-302.1, 20-7-303, 20-7-311, 20-7-312, 20-7-314,
 20 20-7-322, 20-7-324, 20-7-325, 20-7-327, 20-7-332, 20-7-333,
 21 20-9-403, 20-9-513, 39-71-118, AND 90-6-211, MCA; REPEALING
 22 SECTIONS 20-7-304, 20-7-313, 20-7-323, 20-7-326, AND
 23 20-7-331, 20-9-404, --ANB--20-9-405, MCA; AND PROVIDING AN
 24 EFFECTIVE DATE."
 25

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

2 NEW SECTION. Section 1. Powers and duties of board of
 3 regents. The board of regents has general administrative and
 4 supervisory control over vocational-technical center
 5 education and shall:

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

11 (2) adopt standards for courses and programs;

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

17 (4) establish student entrance and graduation
 18 requirements;

19 (5) appoint a director, to serve at the pleasure of
 20 the board, for each vocational-technical center and
 21 establish minimum qualifications for faculty, directors,
 22 administrative staff, and other personnel;

23 (6) appoint a DEPUTY commissioner of
 24 vocational-technical center education, to serve at the
 25 pleasure of the board;

1 (7) establish student tuition and prescribe the bases
 2 and limitations for charging of fees, taking into account
 3 funding available from all other sources AND THE PROVISIONS
 4 OF 20-7-332(3);

5 (8) determine the amount to be paid for the lease of
 6 buildings;

7 (9) adopt budget requests for the vocational-technical
 8 center education system;

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

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

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

22 (13) establish for the various centers uniform policies
 23 for recordkeeping; financial transactions; accounting;
 24 maintenance; recruiting, guidance, and placement of
 25 students; examinations; personnel relations; and other

1 matters as determined by the board;

2 (14) negotiate with the bargaining representative for
 3 personnel of each center or the personnel of the center
 4 system in a manner consistent with state and federal law;

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

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

11 NEW SECTION. Section 2. Sole state agency for federal
 12 vocational education requirements. (1) The board of regents
 13 is the sole state agency for purposes of the ~~1985~~ 1984
 14 federal Carl D. Perkins Vocational Education Act, ~~44--87S:6-~~
 15 ~~23017--et--seq--7~~ AS MAY BE AMENDED, which requires a state
 16 participating in programs under that act to designate a
 17 state board or agency as the sole state agency responsible
 18 for administration or supervision of the administration of
 19 those programs.

20 (2) THE BOARD OF REGENTS SHALL CONTRACT WITH THE
 21 SUPERINTENDENT OF PUBLIC INSTRUCTION FOR THE ADMINISTRATION
 22 AND SUPERVISION OF K-12 VOCATIONAL EDUCATION PROGRAMS,
 23 SERVICES, AND ACTIVITIES ALLOWED BY THE 1984 FEDERAL CARL D.
 24 PERKINS VOCATIONAL EDUCATION ACT, AS MAY BE AMENDED, AND IN
 25 CONCERT WITH THE STATE PLAN FOR VOCATIONAL EDUCATION

1 REQUIRED BY THE FEDERAL ACT. THE BOARD OF REGENTS MAY
 2 CONTRACT WITH OTHER AGENCIES FOR THE ADMINISTRATION AND
 3 SUPERVISION OF OTHER VOCATIONAL EDUCATION PROGRAMS,
 4 SERVICES, AND ACTIVITIES THAT RECEIVE FUNDING ALLOWED BY THE
 5 1984 FEDERAL CARL D. PERKINS VOCATIONAL EDUCATION ACT, AS
 6 MAY BE AMENDED.

7 NEW SECTION. Section 3. Local advisory boards. The
 8 board of trustees of a school district in which a
 9 vocational-technical center is located shall appoint a local
 10 advisory board, composed of at least five residents of the
 11 county where the center is located, to act in an advisory
 12 capacity to the center and the board of regents.

13 NEW SECTION. Section 4. Duties of the DEPUTY
 14 commissioner of vocational-technical center education. The
 15 DEPUTY commissioner of vocational-technical center education
 16 shall, under the rules and policies of the board of regents:

17 (1) be the chief administrative officer for the board
 18 of regents for the administration of its
 19 vocational-technical center rules and policies;

20 (2) employ, within the limits of any legislative
 21 appropriation and with the confirmation of the board of
 22 regents, the staff necessary for the state supervision and
 23 administration of the board's vocational-technical center
 24 rules and policies;

25 (3) provide supervisory and consultative assistance to

1 centers;

2 (4) report the status of vocational-technical center
 3 education in Montana when requested by the board of regents;
 4 and

5 (5) perform any other duties assigned by the board of
 6 regents.

7 NEW SECTION. Section 5. Existing center employees.
 8 (1) The rights of persons employed by a vocational-technical
 9 center under a collective bargaining agreement in effect
 10 prior to DURING THE PERIOD FROM JULY 1, 1987, TO July 1,
 11 1989, may not be impaired, AND THEY MAY, AT ANY TIME PRIOR
 12 TO JULY 1, 1989, EXERCISE ANY RIGHT THEY HAVE UNDER A
 13 COLLECTIVE BARGAINING AGREEMENT TO TRANSFER TO ANOTHER
 14 POSITION WITHIN THE SCHOOL DISTRICT.

15 (2) A person employed by a center under a school
 16 district on June 30, 1989, becomes an employee of the board
 17 of regents on July 1, 1989.

18 (3) Following [the effective date of this section],
 19 the employees of any center OR THE BOARD OF REGENTS may
 20 apply to the board of personnel appeals for determination of
 21 the appropriate bargaining unit or units for the purposes of
 22 collective bargaining for a contract or contracts to be
 23 negotiated with the board of regents prior to July 1, 1989.

24 (4) If a person is employed by a center in any
 25 capacity on July 1, 1989, and has accumulated sick,

1 vacation, or other leave and years of service with a school
2 district, such leave and years of service shall be
3 transferred fully regardless of the length of employment
4 with the district in which the center is located.

5 Section 6. 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 or a vocational-technical
18 center;

19 (c) any person employed in an instructional services
20 capacity by the office of the superintendent of public
21 instruction, the office of a county superintendent, a
22 special education cooperative, a public institution of the
23 state of Montana, the Montana state school for the deaf and
24 blind, 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 7. 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 (9) "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 which is conducted by a~~
10 ~~postsecondary vocational-technical center or other programs~~
11 ~~as designated by the superintendent of public instruction.~~
12 ~~Postsecondary vocational-technical education shall include~~
13 ~~the 13th and 14th year and beyond but will not include work~~
14 ~~toward a baccalaureate degree.~~

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

20 (11)(9) "Principal" means any person who holds a valid
21 class 3 Montana teacher certificate with an applicable
22 principal's endorsement that has been issued by the
23 superintendent of public instruction under the provisions of
24 this title and the policies adopted by the board of public
25 education and who has been employed by a district as a

1 principal. For the purposes of this title, any reference to
 2 a teacher shall be construed as including a principal, as
 3 herein defined.

4 {12}{10} "Pupil" means any child who is 6 years of age
 5 or older on or before September 10 of the year in which the
 6 child is to enroll or has been enrolled by special
 7 permission of the board of trustees under 20-5-101(3) but
 8 has not yet reached his 19th birthday and who is enrolled in
 9 a school established and maintained under the laws of the
 10 state of Montana at public expense.

11 {13}{11} "Pupil instruction" means the conduct of
 12 organized instruction of pupils enrolled in public schools
 13 while under the supervision of a teacher.

14 {14}{12} "Regents" means the board of regents of higher
 15 education.

16 {15}{13} "School food services" means a service of
 17 providing food for the pupils of a district on a nonprofit
 18 basis and shall include any food service financially
 19 assisted through funds or commodities provided by the United
 20 States government.

21 {16}{14} "The state board of education" is the board
 22 composed of the board of public education and the board of
 23 regents as specified in Article X, section 9, subsection
 24 (1), of the 1972 Montana constitution.

25 {17}{15} "State university" means the Montana state

1 university, located at Bozeman.

2 {18}{16} "Superintendent of public instruction" means
 3 that state government official designated as a member of the
 4 executive branch by the constitution of Montana.

5 {19}{17} "System" means the Montana university system.

6 {20}{18} "Teacher" means any person, except a district
 7 superintendent, who holds a valid Montana teacher
 8 certificate that has been issued by the superintendent of
 9 public instruction under the provisions of this title and
 10 the policies adopted by the board of public education and
 11 who is employed by a district as a member of its
 12 instructional, supervisory, or administrative staff. This
 13 definition of a teacher shall also include any person for
 14 whom an emergency authorization of employment of such person
 15 has been issued under the provisions of 20-4-111.

16 {21}{19} "Textbook" means a book or manual used as a
 17 principal source of study material for a given class or
 18 group of students.

19 {22}{20} "Textbook dealer" means any party, company,
 20 corporation, or other organization selling, offering to
 21 sell, or offering for adoption textbooks to districts in the
 22 state of Montana.

23 {23}{21} "Trustees" means the governing board of a
 24 district.

25 {24}{22} "University" means the university of Montana,

1 located at Missoula.

2 ~~(25)~~(23) "Vocational education" means the instruction
3 to prepare or improve the pupil for gainful employment that
4 does not require a baccalaureate or higher degree. This
5 definition of vocational education shall include guidance
6 and prevocational, related, or technical instruction
7 necessary to prepare the pupil for further vocational
8 education or for entry into employment.

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

16 (25) "Vocational-technical education" means
17 vocational-technical education of vocational-technical
18 students that is conducted by a vocational-technical center,
19 a unit of the Montana university system, or a community
20 college as designated by the board of regents."

21 Section 8. Section 20-3-103, MCA, is amended to read:

22 "20-3-103. Deputy superintendent -- staff. (1) The
23 state superintendent of public instruction shall appoint a
24 deputy who, in the absence of the principal or in the case
25 of vacancy in his office, shall perform all the duties of

1 office until such disability be removed or vacancy be
2 filled. Such deputy shall subscribe, take, and file the oath
3 of office provided by law for other state officers before
4 entering upon the performance of his duties.

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

10 (a) a supervisor of physical education who is a
11 graduate of an accredited institution of higher education
12 with a master's degree in physical education;

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

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

20 Section 9. Section 20-3-106, MCA, is amended to read:

21 "20-3-106. Supervision of schools -- powers and
22 duties. The superintendent of public instruction has the
23 general supervision of the public schools and districts of
24 the state, and he shall perform the following duties or acts
25 in implementing and enforcing the provisions of this title:

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

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

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

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

10 (5) approve or disapprove the orders of a high school
11 boundary commission in accordance with the provisions of
12 20-6-311;

13 (6) approve or disapprove the opening or reopening of
14 a school in accordance with the provisions of 20-6-502,
15 20-6-503, 20-6-504, or 20-6-505;

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

18 (8) generally supervise the school budgeting
19 procedures prescribed by law in accordance with the
20 provisions of 20-9-102 and prescribe the school budget
21 format in accordance with the provisions of 20-9-103 and
22 20-9-506;

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

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

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

8 (12) prescribe and furnish the annual report forms to
9 enable the districts to report to the county superintendent
10 in accordance with the provisions of 20-9-213(5) and the
11 annual report forms to enable the county superintendents to
12 report to the superintendent of public instruction in
13 accordance with the provisions of 20-3-209;

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

17 (14) distribute state equalization aid in support of
18 the foundation program in accordance with the provisions of
19 20-9-342, 20-9-346, and 20-9-347;

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

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

25 (17) approve or disapprove an adult education program

1 for which a district proposes to levy a tax in accordance
 2 with the provisions of 20-7-705;

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

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

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

11 (21) approve or disapprove the conduct of school on a
 12 Saturday or on pupil-instruction-related days in accordance
 13 with the provisions of 20-1-303 and 20-1-304;

14 (22) recommend standards of accreditation for all
 15 schools to the board of public education and evaluate
 16 compliance with such standards and recommend accreditation
 17 status of every school to the board of public education in
 18 accordance with the provisions of 20-7-101 and 20-7-102;

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

22 (24) establish and maintain a library of visual, aural,
 23 and other educational media in accordance with the
 24 provisions of 20-7-201;

25 (25) license textbook dealers and initiate prosecution

1 of textbook dealers violating the law in accordance with the
 2 provisions of the textbooks part of this title;

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

7 ~~{27} consider applications for the designation of a~~
 8 ~~postsecondary vocational technical center in accordance with~~
 9 ~~the provisions of 20-7-311;~~

10 ~~{28} establish a fund for the handling of postsecondary~~
 11 ~~vocational technical center fees in accordance with the~~
 12 ~~provisions of 20-7-333;~~

13 ~~{29}~~ {27} supervise and coordinate the conduct of
 14 special education in the state in accordance with the
 15 provisions of 20-7-403;

16 ~~{30}~~ {28} administer the traffic education program in
 17 accordance with the provisions of 20-7-502;

18 ~~{31}~~ {29} administer the school food services program in
 19 accordance with the provisions of 20-10-201, 20-10-202, and
 20 20-10-203;

21 ~~{32}~~ {30} review school building plans and
 22 specifications in accordance with the provisions of
 23 20-6-622;

24 ~~{33}~~ {31} prescribe the method of identification and
 25 signals to be used by school safety patrols in accordance

1 with the provisions of 20-1-408; and
 2 ~~{34}~~{32} perform any other duty prescribed from time to
 3 time by this title, any other act of the legislature, or the
 4 policies of the board of public education."

5 Section 10. Section 20-6-501, MCA, is amended to read:

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

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

23 (2) a high school when it comprises the work of one or
 24 more grades of schoolwork or their equivalents intermediate
 25 between the elementary schools and the institutions of

1 higher education of the state of Montana. Types of high
 2 schools shall be designated as follows:

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

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

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

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

16 (e) a county high school is a 4-year high school
 17 operated as an agency of county government and established
 18 under the provisions of the acts of March 3, 1899, March 14,
 19 1901, and any subsequent amendments thereto;

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

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

23 "20-7-301. Duties of the superintendent of public
 24 instruction. The superintendent of public instruction shall
 25 be the governing agent and executive officer of the state of

1 Montana for K-12 vocational education. The superintendent of
 2 public instruction shall adopt and administer policies to
 3 effect the orderly development of a system of K-12
 4 vocational education that is adaptable to changing needs,
 5 controlled to prevent unnecessary duplication, coordinated
 6 with federal guidelines and requirements for vocational
 7 education, and funded to ensure growth and quality
 8 programming. In order to accomplish the orderly development
 9 of a system of K-12 vocational education, the superintendent
 10 of public instruction policies shall include:

- 11 (1) a state plan for such development;
- 12 (2) standards for K-12 vocational education courses
 13 and programs;
- 14 ~~{3}--the---minimum---requirements---for---granting~~
 15 ~~postsecondary-vocational-technical-certificates-to-students;~~
- 16 ~~{4}{3}~~ a review process for the establishment and
 17 deletion of programs;
- 18 ~~{5}--the-necessary-qualifications-that-a--postsecondary~~
 19 ~~vocational-technical-center-director-must-possess;~~
- 20 ~~{6}{4}~~ instructor qualifications for K-12 vocational
 21 education courses and programs;
- 22 ~~{7}{5}~~ criteria for approval of K-12 vocational
 23 education courses and programs which--are--to--receive
 24 financial-assistance;
- 25 ~~{8}--criteria---for---receiving,---reviewing,---and~~

1 ~~transmitting-----recommendations-----on-----postsecondary~~
 2 ~~vocational-technical-center-operations-and--budget--requests~~
 3 ~~to-the-legislature;~~

4 ~~{9}{6}~~ a basis for apportionment of all moneys
 5 appropriated by the legislature for K-12 vocational
 6 education in accordance with the intent of the legislature
 7 as reflected in the terms of the appropriation;

8 ~~{10}{7}~~ a basis for apportionment of all moneys
 9 received by the state of Montana for K-12 vocational
 10 education from the federal government in accordance with the
 11 acts of congress;

12 ~~{11}{8}~~ a system of evaluation of K-12 vocational
 13 education which allows for consideration of the current and
 14 projected manpower needs and job opportunities; and

15 ~~{12}--the--tuition--and--fees--to--be--charged--at--the~~
 16 ~~postsecondary---vocational-technical---centers;--based--upon~~
 17 ~~legislative-appropriations-available-to--the--superintendent~~
 18 ~~of-public-instruction-for-postsecondary-vocational-technical~~
 19 ~~centers;~~

20 ~~{13}--the--allowable--costs--for--rental--of--buildings--for~~
 21 ~~postsecondary-vocational-technical-center-purposes;~~

22 ~~{14}--guidelines--for--the--authority--delegated--by--the~~
 23 ~~superintendent--of--public--instruction--to--the--local--school~~
 24 ~~district--board--of--trustees--operating---a---postsecondary~~
 25 ~~vocational-technical-center;-and~~

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

Section 12. Section 20-7-302.1, MCA, is amended to read:

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

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

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

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

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

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

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

~~{7}--provide---a---postsecondary---vocational-technical~~

~~center---system---policy---and---procedural---handbook---for institutional-operations-that-will-standardize-operations among-the-centers;~~

~~{8}--identify--and-direct-the-county-treasurer-in-those counties-where--postsecondary--vocational-technical--centers are--located-to-establish-the-necessary-multifund-structures for--postsecondary--vocational-technical--center---financial operations;~~

~~{9}--meet--with--the-chairman-of-the-board-of-trustees; district--superintendent;--and--center--director---of---each postsecondary--vocational-technical--center--at--least--twice each--year---to---discuss---recommended---changes---in---the superintendent---of---public---instruction's---policies--and procedures;~~

~~{10}--formulate-and--put--into--effect--uniform--fiscal; student;--staff;--and--program--accounting--systems--for-the postsecondary-vocational-technical-centers;~~

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

~~{12}--represent--the--postsecondary-vocational-technical center-system-to-state-agencies;--associations;--and--others when-appropriate;~~

~~{13}--recommend-a-staffing-pattern-for-the-postsecondary vocational-technical-centers;~~

~~{14}--provide---for---the--evaluation--of--programs--and~~

1 services--within--each--postsecondary--vocational-technical
2 center;

3 ~~{i5}~~ provide---for--evaluation--of--each--postsecondary
4 vocational-technical-center's-ability-to-meet-employment-and
5 student-vocational-technical-education-needs;-and

6 ~~{i6}~~{8} perform any other duty assigned by the
7 superintendent of public instruction."

8 Section 13. Section 20-7-303, MCA, is amended to read:

9 "20-7-303. ~~District~~---authorization Authorization to
10 establish and maintain vocational education courses and
11 programs. The trustees of any an elementary or high school
12 ~~district, community college district, or unit of the Montana~~
13 ~~university system~~ may establish and maintain a vocational
14 education course or program that complies with the K-12
15 vocational education standards adopted by the superintendent
16 of public instruction. In order for a course or program to
17 be eligible for state or federal financing, it shall be
18 approved by the superintendent of public instruction for
19 compliance with K-12 vocational education standards."

20 Section 14. Section 20-7-311, MCA, is amended to read:

21 "20-7-311. ~~Postsecondary~~-----~~vocational-technical~~
22 Vocational-technical center designation. (1) ~~Postsecondary~~
23 ~~vocational-technical~~ Vocational-technical centers shall be
24 designated by the ~~superintendent of public instruction~~---only
25 board of regents upon direction of the legislature.

1 Applications-for-designation-must-be-made-in-accordance-with
2 the-following-procedure:

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

14 ~~{b}~~---Applications--are---to---be---presented---to---the
15 superintendent-of-public-instruction;-The-superintendent-of
16 public--instruction--shall-examine-the-application-and-draft
17 recommendations;-The---application,---together---with---all
18 recommendations,--shall-be-presented-by-the-superintendent-of
19 public-instruction-to-the-next-following-legislature-

20 (2) The superintendent of public instruction board of
21 regents shall recognize the ~~presently~~---~~designated~~
22 postsecondary vocational-technical centers operated-by-the
23 respective board of trustees of designated prior to [the
24 effective date of this act] in school district number 1 of
25 Silver Bow County, high school district number 1 of Lewis

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

4 Section 15. Section 20-7-312, MCA, is amended to read:
5 "20-7-312. Local administration of
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-postsecondary board of
11 regents, the director of a vocational-technical center has
12 administrative and supervisory control of the center and
13 shall:

14 ~~{a}--employ,--from--among--qualified--applicants,--a~~
15 ~~postsecondary-vocational-technical-center-director;~~

16 {b}(a) employ administrative personnel;--faculty
17 members;--and--employees for the postsecondary
18 vocational-technical center according to the policies and
19 procedures rules of the board of trustees regents;

20 {c}(b) recommend; develop; and submit budgets a
21 recommended budget for the postsecondary
22 vocational-technical centers center;

23 {d}(c) establish and collect student tuition and fees;

24 {e}(d) recommend to the superintendent--of--public
25 instruction--through--the--state--director--of--vocational

1 education board of regents:

2 (i) proposals regarding postsecondary
3 vocational-technical center programs, budgets, student
4 services, and public service activities; and

5 (ii) campus development and program plans for
6 individual postsecondary vocational-technical center
7 buildings;

8 {f}(e) manage buildings erected-and-equipped-on-leased
9 grounds at the vocational-technical center;

10 {g}(f) receive and administer gifts and bequests to
11 the postsecondary vocational-technical center according to a
12 written plan submitted to the superintendent--of--public
13 instruction board of regents; and

14 {h}(g) perform any other administrative
15 responsibilities duties not inconsistent with law and
16 required by the superintendent-of-public--instruction board
17 of regents.

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

24 Section 16. Section 20-7-314, MCA, is amended to read:
25 "20-7-314. Lease or purchase of state property for

1 ~~postsecondary~~ vocational-technical center purposes. (1) The
 2 state of Montana, acting by and through the superintendent
 3 ~~of public instruction, is hereby empowered and authorized to~~
 4 ~~enter into a~~ board of regents, may lease, agreement for a
 5 term not to exceed 40 years, ~~in order to lease to a district~~
 6 ~~operating a~~ postsecondary vocational-technical center any
 7 building or lands owned by the state and financed in whole
 8 or in part by an appropriation made by the legislature of
 9 the state of Montana for the purpose of supporting the
 10 district's postsecondary a vocational-technical center. The
 11 consideration necessary to support such a lease may be
 12 nominal.

13 (2) ~~The superintendent of public instruction is hereby~~
 14 ~~authorized to transfer or direct transfer of title held by~~
 15 ~~the state of Montana in buildings or lands financed in whole~~
 16 ~~or in part by an appropriation by the state legislature to a~~
 17 ~~district operating a~~ postsecondary vocational-technical
 18 center, at any time the superintendent of public instruction
 19 deems such transfer to be in the best interests of both the
 20 state and the district involved, provided that this
 21 authorization extends only to buildings or lands which are
 22 to be used by the district for postsecondary
 23 vocational-technical education purposes. The state of
 24 Montana, acting through the board of regents and on demand
 25 of a school district, shall lease or purchase the equity or

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

13 Section 17. Section 20-7-322, MCA, is amended to read:
 14 "20-7-322. State treasurer custodian of vocational
 15 education moneys money. (1) The treasurer of the state of
 16 Montana is hereby designated as the custodian of all federal
 17 and state moneys money designated, appropriated, or
 18 apportioned for vocational education. All moneys money
 19 received from any federal or state source for the
 20 establishment, operation, or furtherance of vocational
 21 education in the state shall be deposited with the state
 22 treasurer. At the direction of the superintendent of public
 23 instruction, he shall disburse all moneys appropriated or
 24 money received for K-12 vocational education. At the
 25 direction of the board of regents, he shall disburse all

1 money received for vocational-technical education.

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

8 Section 18. Section 20-7-324, MCA, is amended to read:

9 "20-7-324. Sources of financing for postsecondary
10 vocational-technical center budgets -- superintendent--of
11 public-instruction-administration distribution of funds. (1)
12 The total of the budgets approved by the superintendent-of
13 public-instruction board of regents shall constitute the
14 total maximum approved statewide vocational-technical center
15 system budget which shall be financed as follows:

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

20 (b) The board of county commissioners of each county
21 in--which--a--designated--postsecondary-vocational-technical
22 center-is-located IN WHICH A DESIGNATED VOCATIONAL-TECHNICAL
23 CENTER IS LOCATED shall levy a tax in each calendar year of
24 ~~1 1/2~~ 3 1 1/2 mills on the dollar of all taxable property,
25 real and personal, within the county TO RAISE THE AMOUNT

1 APPROPRIATED BY THE LEGISLATURE for the support and
2 maintenance of the postsecondary vocational-technical center
3 located-within-the-county system. THE TAX IS TO BE EFFECTIVE
4 FOR THE TAXABLE YEAR BEGINNING ON OR AFTER JANUARY 1, 1988.

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

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

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

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

1 construction;
2 ~~{iii} the reasonable value of land, buildings,~~
3 ~~fixtures, or equipment furnished by that district, subject~~
4 ~~to the approval of the superintendent of public instruction.~~

5 (2) The superintendent of public instruction board of
6 regents shall direct the distribution of the funds specified
7 in ~~subsections (a) through (e)~~ subsection (1) on the
8 basis of the budgets approved by the superintendent of
9 public instruction board of regents. The funds earned by the
10 mill levy specified in subsection (1)(b) shall be credited
11 to the postsecondary vocational-technical center account in
12 the unrestricted subfund of the current fund in the state
13 treasury.

14 ~~{3} The superintendent of public instruction shall~~
15 ~~determine the amount of financing available from these four~~
16 ~~sources of revenue and may approve budgets for instruction,~~
17 ~~plant operations and maintenance, equipment, and support.~~
18 ~~The aggregate amount of the budgets so approved by the~~
19 ~~superintendent of public instruction for postsecondary~~
20 ~~vocational-technical centers shall not exceed the moneys~~
21 ~~determined to be available."~~

22 Section 19. Section 20-7-325, MCA, is amended to read:
23 "20-7-325. Postsecondary ~~-----~~ vocational-technical
24 Vocational-technical center funding -- nongeneral fund money
25 expended first -- reversion of general fund money. {1}

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

18 (2) A postsecondary vocational-technical center shall
19 apply expenditures against nongeneral fund money wherever
20 possible before using state general fund appropriations. All
21 state general fund money appropriated or disbursed to a
22 postsecondary vocational-technical center which are
23 unexpended at fiscal year end shall revert to the state
24 general fund.

25 ~~{3} The approval of the postsecondary~~

~~vocational-technical-center-budget-and--subsequent--revision
or--amendment-of-such-budget-by-the-superintendent-of-public
instruction-shall-constitute-the-final-budget-approval.~~

~~{4}--Whenever---the---county---tax---prescribed---in
20-7-324{1}{b)-is-to-be-used-in-support-of-the-postsecondary
vocational-technical--center,--the--county-commissioners-are
authorized-to-levy-such-tax-on-the-county-in-accordance-with
the-provisions-of-20-9-142."~~

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

"20-7-327. Source of financing for postsecondary vocational-technical center facility maintenance. The source of funds for maintenance, remodeling, and renovation of postsecondary vocational-technical center facilities may be either local funds federal funds or state funds specifically appropriated by the legislature and approved by the superintendent-of-public-instruction board of regents, or any combination of these funds."

Section 21. Section 20-7-332, MCA, is amended to read:

"20-7-332. Tuition rates. (1) Tuition may be charged to any resident or nonresident of the state of Montana by the governing--board director of any postsecondary vocational-technical center at rates to be determined by the superintendent-of-public-instruction board of regents AND THE PROVISIONS OF SUBSECTION (3). The superintendent-of-public-instruction board of regents shall also prescribe

permissible uses for any tuition authorized.

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

(3) IF AN ADDITIONAL LEVY FOR A CENTER IS APPROVED UNDER [SECTION 27], THE BOARD OF REGENTS MAY CHARGE AN ADDITIONAL TUITION AMOUNT NOT TO EXCEED \$40 A QUARTER TO A STUDENT AT THE CENTER WHO IS A RESIDENT OF MONTANA BUT WHO IS NOT A PROPERTY TAXPAYER OF THE COUNTY OR AN OWNER OF A VEHICLE REGISTERED WITHIN THE COUNTY WHERE THE CENTER IS LOCATED."

Section 22. Section 20-7-333, MCA, is amended to read:

"20-7-333. ~~Pupit~~ Student fees and disposition of collected fees. (1) Fees for the use of equipment and material used in instruction may be charged by the trustees or--other--governing--board director of the postsecondary vocational-technical center. The superintendent--of--public instruction board of regents shall prescribe the basis bases and limitations for the charging of such fees.

(2) Fees collected by the postsecondary vocational-technical center shall be deposited with the

1 state treasurer in the fund designated by the superintendent
 2 of--public--instruction board of regents for the receipt of
 3 such fees. The expenditure of the fees shall not be subject
 4 to budget limitations and shall be in addition to the
 5 program budgets approved by the superintendent-of-public
 6 instruction board of regents."

7 Section 23. 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 24. Section 20-9-513, MCA, is amended to read:

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

17 Section 25. Section 39-71-118, MCA, is amended to
 18 read:

19 "39-71-118. Employee, worker, and workman defined. (1)
 20 The terms "employee", "workman", or "worker" mean:

21 (a) each person in this state, including a contractor
 22 other than an independent contractor, who is in the service
 23 of an employer, as defined by 39-71-117, under any
 24 appointment or contract of hire, expressed or implied, oral
 25 or written. The terms include aliens and minors, whether

1 lawfully or unlawfully employed, and all of the elected and
 2 appointed paid public officers and officers and members of
 3 boards of directors of quasi-public or private corporations
 4 while rendering actual service for such corporations for
 5 pay. Casual employees as defined by 39-71-116(3) are
 6 included as employees if they are not otherwise covered by
 7 workers' compensation and if an employer has elected to be
 8 bound by the provisions of the compensation law for these
 9 casual employments, as provided in 39-71-401(2). Household
 10 or domestic service is excluded.

11 (b) a recipient of general relief who is performing
 12 work for a county of this state under the provisions of
 13 53-3-303 through 53-3-305 and any juvenile performing work
 14 under authorization of a district court judge in a
 15 delinquency prevention or rehabilitation program;

16 (c) a person receiving on-the-job vocational
 17 rehabilitation training or other on-the-job training under a
 18 state or federal vocational training program, whether or not
 19 under an appointment or contract of hire with an employer as
 20 defined in this chapter and whether or not receiving payment
 21 from a third party. However, this subsection does not apply
 22 to students enrolled in vocational training programs as
 23 outlined above while they are on the premises of a public
 24 school or community college.

25 (d) students enrolled and in attendance in programs of

1 vocational-technical education ~~approved-by-the--state--board~~
 2 ~~of---public---education~~ at designated postsecondary
 3 vocational-technical centers; or

4 (e) an airman or other person employed as a volunteer
 5 under 67-2-105.

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

21 Section 26. Section 90-6-211, MCA, is amended to read:
 22 "90-6-211. Disposition of interest from unexpended
 23 balance. The unexpended balance in the local impact and
 24 education trust fund account shall be invested as provided
 25 by statute by the board of investments. Of the income from

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

25 NEW SECTION. SECTION 27. ADDITIONAL LEVY BY SCHOOL

1 DISTRICT -- PROCEDURE. (1) FOR SCHOOL FISCAL YEARS 1988 AND
 2 1989, THE TRUSTEES OF A SCHOOL DISTRICT THAT OPERATED A
 3 VOCATIONAL-TECHNICAL CENTER PRIOR TO JULY 1, 1987, MAY
 4 PROPOSE TO THE BOARD OF REGENTS THAT A BUDGET FOR SALARIES,
 5 BENEFITS, OPERATIONS, AND EQUIPMENT BE ADOPTED FOR THE
 6 CENTER IN EXCESS OF THE AMOUNT APPROPRIATED BY THE
 7 LEGISLATURE.

8 (2) IF THE BOARD OF REGENTS APPROVES OF A BUDGET FOR A
 9 CENTER IN EXCESS OF THE APPROPRIATED AMOUNT, THE TRUSTEES OF
 10 THE DISTRICT THAT OPERATED THE CENTER SHALL SUBMIT TO THE
 11 QUALIFIED ELECTORS OF THE DISTRICT, PURSUANT TO 20-20-301
 12 AND IN THE MANNER PRESCRIBED BY 20-9-353, A PROPOSITION FOR
 13 AN ADDITIONAL LEVY FOR THE ADDITIONAL FUNDING. WHEN THE
 14 PROPOSITION IS PRESENTED TO THE ELECTORATE, THE PROPOSITION
 15 MUST BE PRESENTED AS A SEPARATE ISSUE ON THE BALLOT.

16 (3) IF A PROPOSITION FOR AN ADDITIONAL LEVY FOR A
 17 VOCATIONAL-TECHNICAL CENTER IS APPROVED BY THE ELECTORATE,
 18 THE BOARD OF REGENTS SHALL REQUEST THE ESTABLISHMENT OF AN
 19 INDIVIDUAL ACCOUNT FOR THE CENTER IN THE STATE TREASURY AS
 20 DETERMINED BY THE DEPARTMENT OF ADMINISTRATION. THE FUNDS IN
 21 EACH CENTER ACCOUNT ARE AVAILABLE APPROPRIATED FOR APPROVED
 22 EXPENDITURES FOR THE CENTER. AFTER JULY 1, 1989, ANY
 23 UNEXPENDED FUNDING IN A CENTER ACCOUNT MUST BE RETURNED TO
 24 THE SCHOOL DISTRICT THAT REQUESTED THE ADDITIONAL FUNDING.

25 NEW SECTION. SECTION 28. VOCATIONAL-TECHNICAL CENTER

1 EQUIPMENT. THE EQUIPMENT OF A VOCATIONAL-TECHNICAL CENTER
2 DESIGNATED PRIOR TO [THE EFFECTIVE DATE OF THIS ACT] MAY NOT
3 BE TRANSFERRED FROM THE CENTER FOR 2 YEARS WITHOUT CONSENT
4 OF THE SCHOOL DISTRICT BOARD OF TRUSTEES THAT OPERATED THE
5 CENTER PRIOR TO [THE EFFECTIVE DATE OF THIS ACT].

6 NEW SECTION. SECTION 29. REPORT BY BOARD OF REGENTS.
7 THE BOARD OF REGENTS SHALL REPORT TO THE 51ST LEGISLATURE ON
8 THE FOLLOWING CONCERNS:

9 (1) A PLAN FOR REORGANIZATION OF THE DELIVERY SYSTEM
10 FOR ALL POSTSECONDARY VOCATIONAL-TECHNICAL EDUCATION IN
11 MONTANA;

12 (2) A LONG-TERM PLAN FOR ACHIEVING HIGH QUALITY
13 VOCATIONAL-TECHNICAL PROGRAMS AT THE VOCATIONAL-TECHNICAL
14 CENTERS THROUGH THE POSSIBILITY OF PROGRAM SPECIALIZATION AT
15 EACH CENTER;

16 (3) THE FEASIBILITY AND APPROPRIATENESS OF CLOSURE OF
17 ONE OR MORE OF THE VOCATIONAL-TECHNICAL FACILITIES;

18 {3}(4) A PLAN FOR ELIMINATION OF PROGRAMS THAT SERVE
19 FEW STUDENTS;

20 {4}(5) A PLAN FOR CONSOLIDATION OF ADMINISTRATIVE
21 FUNCTIONS OF THE INDIVIDUAL CENTERS WHICH COULD RESULT IN
22 COST SAVINGS AND MORE EFFICIENT OPERATIONS; AND

23 {5}(6) THE FEASIBILITY OF CONSOLIDATING POSTSECONDARY
24 VOCATIONAL-TECHNICAL FACILITIES AND STAFF WITH NEARBY UNITS
25 OF THE UNIVERSITY SYSTEM.

1 NEW SECTION. SECTION 30. APPROPRIATION. THERE IS
2 APPROPRIATED \$1,454,690 FROM THE LOCAL IMPACT AND EDUCATION
3 TRUST FUND ACCOUNT FUNDED BY 15-35-108(3)(B) TO THE BOARD OF
4 REGENTS FOR THE FISCAL BIENNIUM ENDING JUNE 30, 1989, TO BE
5 USED TO OPERATE THE VOCATIONAL-TECHNICAL CENTERS.

6 NEW SECTION. Section 31. Repealer. Sections 20-7-304,
7 20-7-313, 20-7-323, 20-7-326, AND 20-7-331, ~~20-9-404,~~ and
8 ~~20-9-405,~~ MCA, are repealed.

9 NEW SECTION. Section 32. Extension of authority. Any
10 existing authority of the superintendent of public
11 instruction to make rules on the subject of the provisions
12 of this act is extended to the provisions of this act.

13 NEW SECTION. Section 33. Codification instructions.
14 (1) Sections 1 through 5 AND 27 are intended to be codified
15 as an integral part of Title 20, and the provisions of
16 Title 20 apply to sections 1 through 5 AND 27.

17 (2) Sections 20-7-311, 20-7-312, 20-7-314, 20-7-322,
18 20-7-324, 20-7-325, 20-7-327, 20-7-332, and 20-7-333 are
19 intended to be renumbered and codified as an integral part
20 of a new chapter in Title 20 on the governance of
21 vocational-technical centers.

22 NEW SECTION. Section 34. Code commissioner name
23 change. In all sections of the Montana Code Annotated not
24 contained in this act and in all provisions passed by the
25 50th legislature wherein reference is made to a

HB 0039/04

1 postsecondary vocational-technical center, the code
2 commissioner shall change the reference to
3 vocational-technical center.

4 NEW SECTION. Section 35. Effective date. This act is
5 effective July 1, 1987.

-End-

STANDING COMMITTEE REPORT

SCRHB39.SCR

Page 2 of 2
SCRHB39

SENATE

SCRHB39

March 23, 1987

MR. PRESIDENT

Education and Cultural Resources

We, your committee on

House Bill 39

having had under consideration No.

third blue

reading copy (color)

TRANSFERRING GOVERNANCE OF VO-TECHS TO BOARD OF REGENTS

DONALDSON (McCALLUM)

Respectfully report as follows: That House Bill No. 39

BE AMENDED AS FOLLOWS:

1. Title, line 14.

Following: "EDUCATION;"

Insert: "APPROPRIATING MONEY FROM THE LOCAL IMPACT AND EDUCATION TRUST FUND ACCOUNT TO THE BOARD OF REGENTS TO HELP FUND THE VOCATIONAL-TECHNICAL CENTERS;"

2. Title, line 19.

Following: "20-7-326"

Insert: "AND"

3. Title, line 20.

Strike: "20-9-404, AND 20-9-405,"

4. Page 2, line 20.

Following: "a"

Insert: "deputy"

5. Page 5, line 9.

Following: "the"

Insert: "deputy"

6. Page 5, line 10.

Following: "The"

Insert: "deputy"

7. Page 42, line 18.

Strike: "AVAILABLE"

Insert: "appropriated"

XXXXXS

XXXXXXXXXS

Bob Brown

CONTINUED

Chairman

3-24-87
9:45
19

8. Page 43.

Following: line 22

Insert: "NEW SECTION. Section 30. Appropriation. There is appropriated \$1,454,690 from the local impact and education trust fund account funded by 15-35-108(3)(b) to the board of regents for the fiscal biennium ending June 30, 1989, to be used to operate the vocational-technical centers."

Renumber: subsequent sections

9. Page 43, lines 24 and 25.

Following: "20-7-326,"

Insert: "and"

Strike: "20-9-404, and 20-9-405,"

AND AS AMENDED
BE CONCURRED IN

Bob Brown

Senator Brown

3-24-87
9

GOVERNOR'S PROPOSED AMENDMENTS TO
HOUSE BILL 39
(Reference Copy)
April 21, 1987

1. Page 9, line 24.
Following: "school"
Strike: "grades 1"
Insert: "kindergarten"

Following: "through"
Insert: "grade"
2. Page 31, line 1.
Following: "education"
Insert: "and for vocational education other than K-12 vocational education"
3. Page 32, line 4.
Following: "FOR"
Strike: "THE TAXABLE YEAR"
Insert: "property tax years"

Following: "JANUARY 1,"
Strike: "1988"
Insert: "1987"

Following: ".""
Insert: "It is the intent of this subsection (b) that the county commissioners shall levy this tax for fiscal year 1988 operation of the vocational-technical system and thereafter."
4. Page 42, line 25.
Following: line 24
Insert: "(4) For school fiscal year 1988, if the trustees of a school district that operated a vocational-technical center prior to July 1, 1987, have adopted a budget in excess of that appropriated by the legislature and have submitted the proposition for an additional levy to the qualified electors of the district and if the electors have approved the proposition as provided for in former 20-7-326, MCA, then the trustees need not submit the proposition to the electors at an additional election following approval of the budget by the board of regents as provided for in subsection (2)."

-END-

1 STATEMENT OF INTENT

2 HOUSE BILL 39

3 House Education and Cultural Resources Committee

4

5 Section 1 of the bill requires the board of regents to
6 adopt rules implementing the board's powers and duties. The
7 legislature intends these rules to encompass the full range
8 of board powers and duties and intends that the board begin
9 the process of adopting rules prior to the July 1, 1987,
10 effective date for implementation of the act.

11 The board should study the office of public
12 instruction's postsecondary vocational-technical education
13 rules, which are superseded by this act, since these rules
14 may give the board guidance.

REFERENCE BILL: INCLUDES GOVERNOR'S
AMENDMENTS DATED 7-21-87

1 HOUSE BILL NO. 39

2 INTRODUCED BY DONALDSON, BLAYLOCK, RASMUSSEN, LORY,
3 M. WILLIAMS, REAM, MCCALLUM, MAZUREK, GRADY, EUDAILY

4 BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE

5 ON VO-TECHS/JOB TRAINING

6
7 A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING GOVERNANCE
8 OF THE POSTSECONDARY VOCATIONAL-TECHNICAL CENTERS TO THE
9 BOARD OF REGENTS OF HIGHER EDUCATION; RENAMING POSTSECONDARY
10 VOCATIONAL-TECHNICAL CENTERS AS VOCATIONAL-TECHNICAL
11 CENTERS; ALLOWING FOR A VOTE FOR AN ADDITIONAL LEVY TO
12 SUPPORT A CENTER; REQUESTING THE BOARD OF REGENTS TO REPORT
13 TO THE 51ST LEGISLATURE ON POSSIBLE REORGANIZATION OF
14 POSTSECONDARY VOCATIONAL-TECHNICAL EDUCATION; APPROPRIATING
15 MONEY FROM THE LOCAL IMPACT AND EDUCATION TRUST FUND ACCOUNT
16 TO THE BOARD OF REGENTS TO HELP FUND THE
17 VOCATIONAL-TECHNICAL CENTERS; AMENDING SECTIONS 19-4-302,
18 20-1-101, 20-3-103, 20-3-106, 20-6-501, 20-7-301,
19 20-7-302.1, 20-7-303, 20-7-311, 20-7-312, 20-7-314,
20 20-7-322, 20-7-324, 20-7-325, 20-7-327, 20-7-332, 20-7-333,
21 20-9-403, 20-9-513, 39-71-118, AND 90-6-211, MCA; REPEALING
22 SECTIONS 20-7-304, 20-7-313, 20-7-323, 20-7-326, AND
23 20-7-331, ~~20-9-404~~ AND ~~20-9-405~~; MCA; AND PROVIDING AN
24 EFFECTIVE DATE."
25

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

2 NEW SECTION. Section 1. Powers and duties of board of
3 regents. The board of regents has general administrative and
4 supervisory control over vocational-technical center
5 education and shall:

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

11 (2) adopt standards for courses and programs;

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

17 (4) establish student entrance and graduation
18 requirements;

19 (5) appoint a director, to serve at the pleasure of
20 the board, for each vocational-technical center and
21 establish minimum qualifications for faculty, directors,
22 administrative staff, and other personnel;

23 (6) appoint a DEPUTY commissioner of
24 vocational-technical center education, to serve at the
25 pleasure of the board;

1 (7) establish student tuition and prescribe the bases
2 and limitations for charging of fees, taking into account
3 funding available from all other sources AND THE PROVISIONS
4 OF 20-7-332(3);

5 (8) determine the amount to be paid for the lease of
6 buildings;

7 (9) adopt budget requests for the vocational-technical
8 center education system;

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

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

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

22 (13) establish for the various centers uniform policies
23 for recordkeeping; financial transactions; accounting;
24 maintenance; recruiting, guidance, and placement of
25 students; examinations; personnel relations; and other

1 matters as determined by the board;

2 (14) negotiate with the bargaining representative for
3 personnel of each center or the personnel of the center
4 system in a manner consistent with state and federal law;

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

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

11 NEW SECTION. Section 2. Sole state agency for federal
12 vocational education requirements. (1) The board of regents
13 is the sole state agency for purposes of the ~~1985~~ 1984
14 federal Carl D. Perkins Vocational Education Act, ~~44--8:9-2-~~
15 ~~23017--et--seq--7~~ AS MAY BE AMENDED, which requires a state
16 participating in programs under that act to designate a
17 state board or agency as the sole state agency responsible
18 for administration or supervision of the administration of
19 those programs.

20 (2) THE BOARD OF REGENTS SHALL CONTRACT WITH THE
21 SUPERINTENDENT OF PUBLIC INSTRUCTION FOR THE ADMINISTRATION
22 AND SUPERVISION OF K-12 VOCATIONAL EDUCATION PROGRAMS,
23 SERVICES, AND ACTIVITIES ALLOWED BY THE 1984 FEDERAL CARL D.
24 PERKINS VOCATIONAL EDUCATION ACT, AS MAY BE AMENDED, AND IN
25 CONCERT WITH THE STATE PLAN FOR VOCATIONAL EDUCATION

1 REQUIRED BY THE FEDERAL ACT. THE BOARD OF REGENTS MAY
 2 CONTRACT WITH OTHER AGENCIES FOR THE ADMINISTRATION AND
 3 SUPERVISION OF OTHER VOCATIONAL EDUCATION PROGRAMS,
 4 SERVICES, AND ACTIVITIES THAT RECEIVE FUNDING ALLOWED BY THE
 5 1984 FEDERAL CARL D. PERKINS VOCATIONAL EDUCATION ACT, AS
 6 MAY BE AMENDED.

7 NEW SECTION. Section 3. Local advisory boards. The
 8 board of trustees of a school district in which a
 9 vocational-technical center is located shall appoint a local
 10 advisory board, composed of at least five residents of the
 11 county where the center is located, to act in an advisory
 12 capacity to the center and the board of regents.

13 NEW SECTION. Section 4. Duties of the DEPUTY
 14 commissioner of vocational-technical center education. The
 15 DEPUTY commissioner of vocational-technical center education
 16 shall, under the rules and policies of the board of regents:

17 (1) be the chief administrative officer for the board
 18 of regents for the administration of its
 19 vocational-technical center rules and policies;

20 (2) employ, within the limits of any legislative
 21 appropriation and with the confirmation of the board of
 22 regents, the staff necessary for the state supervision and
 23 administration of the board's vocational-technical center
 24 rules and policies;

25 (3) provide supervisory and consultative assistance to

1 centers;

2 (4) report the status of vocational-technical center
 3 education in Montana when requested by the board of regents;
 4 and

5 (5) perform any other duties assigned by the board of
 6 regents.

7 NEW SECTION. Section 5. Existing center employees.
 8 (1) The rights of persons employed by a vocational-technical
 9 center under a collective bargaining agreement in effect
 10 prior-to DURING THE PERIOD FROM JULY 1, 1987, TO July 1,
 11 1989, may not be impaired, AND THEY MAY, AT ANY TIME PRIOR
 12 TO JULY 1, 1989, EXERCISE ANY RIGHT THEY HAVE UNDER A
 13 COLLECTIVE BARGAINING AGREEMENT TO TRANSFER TO ANOTHER
 14 POSITION WITHIN THE SCHOOL DISTRICT.

15 (2) A person employed by a center under a school
 16 district on June 30, 1989, becomes an employee of the board
 17 of regents on July 1, 1989.

18 (3) Following [the effective date of this section],
 19 the employees of any center OR THE BOARD OF REGENTS may
 20 apply to the board of personnel appeals for determination of
 21 the appropriate bargaining unit or units for the purposes of
 22 collective bargaining for a contract or contracts to be
 23 negotiated with the board of regents prior to July 1, 1989.

24 (4) If a person is employed by a center in any
 25 capacity on July 1, 1989, and has accumulated sick,

1 vacation, or other leave and years of service with a school
 2 district, such leave and years of service shall be
 3 transferred fully regardless of the length of employment
 4 with the district in which the center is located.

5 Section 6. 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 or a vocational-technical
 18 center;

19 (c) any person employed in an instructional services
 20 capacity by the office of the superintendent of public
 21 instruction, the office of a county superintendent, a
 22 special education cooperative, a public institution of the
 23 state of Montana, the Montana state school for the deaf and
 24 blind, 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 7. 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 KINDERGARTEN through
25 GRADE 12.

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

8 ~~(9) "Postsecondary vocational technical education"~~
9 ~~means vocational technical education of postsecondary~~
10 ~~vocational technical pupils which is conducted by a~~
11 ~~postsecondary vocational technical center or other programs~~
12 ~~as designated by the superintendent of public instruction.~~
13 ~~Postsecondary vocational technical education shall include~~
14 ~~the 13th and 14th year and beyond but will not include work~~
15 ~~toward a baccalaureate degree.~~

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

21 ~~(11) (9) "Principal" means any person who holds a valid~~
22 ~~class 3 Montana teacher certificate with an applicable~~
23 ~~principal's endorsement that has been issued by the~~
24 ~~superintendent of public instruction under the provisions of~~
25 ~~this title and the policies adopted by the board of public~~

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

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

12 ~~(13)~~(11) "Pupil instruction" means the conduct of
13 organized instruction of pupils enrolled in public schools
14 while under the supervision of a teacher.

15 ~~(14)~~(12) "Regents" means the board of regents of higher
16 education.

17 ~~(15)~~(13) "School food services" means a service of
18 providing food for the pupils of a district on a nonprofit
19 basis and shall include any food service financially
20 assisted through funds or commodities provided by the United
21 States government.

22 ~~(16)~~(14) "The state board of education" is the board
23 composed of the board of public education and the board of
24 regents as specified in Article X, section 9, subsection
25 (1), of the 1972 Montana constitution.

1 ~~(17)~~(15) "State university" means the Montana state
2 university, located at Bozeman.

3 ~~(18)~~(16) "Superintendent of public instruction" means
4 that state government official designated as a member of the
5 executive branch by the constitution of Montana.

6 ~~(19)~~(17) "System" means the Montana university system.

7 ~~(20)~~(18) "Teacher" means any person, except a district
8 superintendent, who holds a valid Montana teacher
9 certificate that has been issued by the superintendent of
10 public instruction under the provisions of this title and
11 the policies adopted by the board of public education and
12 who is employed by a district as a member of its
13 instructional, supervisory, or administrative staff. This
14 definition of a teacher shall also include any person for
15 whom an emergency authorization of employment of such person
16 has been issued under the provisions of 20-4-111.

17 ~~(21)~~(19) "Textbook" means a book or manual used as a
18 principal source of study material for a given class or
19 group of students.

20 ~~(22)~~(20) "Textbook dealer" means any party, company,
21 corporation, or other organization selling, offering to
22 sell, or offering for adoption textbooks to districts in the
23 state of Montana.

24 ~~(23)~~(21) "Trustees" means the governing board of a
25 district.

1 ~~(24)~~(22) "University" means the university of Montana,
2 located at Missoula.

3 ~~(25)~~(23) "Vocational education" means the instruction
4 to prepare or improve the pupil for gainful employment that
5 does not require a baccalaureate or higher degree. This
6 definition of vocational education shall include guidance
7 and prevocational, related, or technical instruction
8 necessary to prepare the pupil for further vocational
9 education or for entry into employment.

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

17 (25) "Vocational-technical education" means
18 vocational-technical education of vocational-technical
19 students that is conducted by a vocational-technical center,
20 a unit of the Montana university system, or a community
21 college as designated by the board of regents."

22 Section 8. Section 20-3-103, MCA, is amended to read:

23 "20-3-103. Deputy superintendent -- staff. (1) The
24 state superintendent of public instruction shall appoint a
25 deputy who, in the absence of the principal or in the case

1 of vacancy in his office, shall perform all the duties of
2 office until such disability be removed or vacancy be
3 filled. Such deputy shall subscribe, take, and file the oath
4 of office provided by law for other state officers before
5 entering upon the performance of his duties.

6 (2) The superintendent of public instruction shall
7 have the power to employ, organize, and administer a staff
8 of personnel to assist him in the administration of the
9 duties and services of the office. In organizing his staff,
10 the superintendent of public instruction shall employ:

11 (a) a supervisor of physical education who is a
12 graduate of an accredited institution of higher education
13 with a master's degree in physical education;

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

16 (c) a special education supervisor who is a graduate
17 of an accredited institution of higher education with a
18 master's degree in a field of special education for the
19 mentally retarded or physically handicapped and who has not
20 less than 2 years' experience in special education."

21 Section 9. Section 20-3-106, MCA, is amended to read:

22 "20-3-106. Supervision of schools -- powers and
23 duties. The superintendent of public instruction has the
24 general supervision of the public schools and districts of
25 the state, and he shall perform the following duties or acts

1 in implementing and enforcing the provisions of this title:

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

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

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

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

11 (5) approve or disapprove the orders of a high school
12 boundary commission in accordance with the provisions of
13 20-6-311;

14 (6) approve or disapprove the opening or reopening of
15 a school in accordance with the provisions of 20-6-502,
16 20-6-503, 20-6-504, or 20-6-505;

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

19 (8) generally supervise the school budgeting
20 procedures prescribed by law in accordance with the
21 provisions of 20-9-102 and prescribe the school budget
22 format in accordance with the provisions of 20-9-103 and
23 20-9-506;

24 (9) establish a system of communication for
25 calculating joint district revenues in accordance with the

1 provisions of 20-9-151;

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

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

9 (12) prescribe and furnish the annual report forms to
10 enable the districts to report to the county superintendent
11 in accordance with the provisions of 20-9-213(5) and the
12 annual report forms to enable the county superintendents to
13 report to the superintendent of public instruction in
14 accordance with the provisions of 20-3-209;

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

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

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

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

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

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

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

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

12 (21) approve or disapprove the conduct of school on a
13 Saturday or on pupil-instruction-related days in accordance
14 with the provisions of 20-1-303 and 20-1-304;

15 (22) recommend standards of accreditation for all
16 schools to the board of public education and evaluate
17 compliance with such standards and recommend accreditation
18 status of every school to the board of public education in
19 accordance with the provisions of 20-7-101 and 20-7-102;

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

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

1 (25) license textbook dealers and initiate prosecution
2 of textbook dealers violating the law in accordance with the
3 provisions of the textbooks part of this title;

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

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

11 ~~(28)-establish-a-fund-for-the-handling-of-postsecondary~~
12 ~~vocational-technical--center--fees--in--accordance--with-the~~
13 ~~provisions-of-20-7-333;~~

14 ~~(29)~~(27) supervise and coordinate the conduct of
15 special education in the state in accordance with the
16 provisions of 20-7-403;

17 ~~(30)~~(28) administer the traffic education program in
18 accordance with the provisions of 20-7-502;

19 ~~(31)~~(29) administer the school food services program in
20 accordance with the provisions of 20-10-201, 20-10-202, and
21 20-10-203;

22 ~~(32)~~(30) review school building plans and
23 specifications in accordance with the provisions of
24 20-6-622;

25 ~~(33)~~(31) prescribe the method of identification and

1 signals to be used by school safety patrols in accordance
2 with the provisions of 20-1-408; and

3 ~~{34}~~{32} perform any other duty prescribed from time to
4 time by this title, any other act of the legislature, or the
5 policies of the board of public education."

6 Section 10. Section 20-6-501, MCA, is amended to read:

7 "20-6-501. Definition of various schools. As used in
8 this title, unless the context clearly indicates otherwise,
9 the term "school" means an institution for the teaching of
10 children that is established and maintained under the laws
11 of the state of Montana at public expense. The trustees of
12 any district shall designate the grade assignments for the
13 schools of the district, but for the purposes of this title
14 each school shall be known as:

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

24 (2) a high school when it comprises the work of one or
25 more grades of schoolwork or their equivalents intermediate

1 between the elementary schools and the institutions of
2 higher education of the state of Montana. Types of high
3 schools shall be designated as follows:

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

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

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

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

17 (e) a county high school is a 4-year high school
18 operated as an agency of county government and established
19 under the provisions of the acts of March 3, 1899, March 14,
20 1901, and any subsequent amendments thereto;

21 ~~{f}--a---postsecondary---vocational-technical----center~~
22 ~~established-under-the-provisions-of-20-7-311."~~

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

24 "20-7-301. Duties of the superintendent of public
25 instruction. The superintendent of public instruction shall

1 be the governing agent and executive officer of the state of
 2 Montana for K-12 vocational education. The superintendent of
 3 public instruction shall adopt and administer policies to
 4 effect the orderly development of a system of K-12
 5 vocational education that is adaptable to changing needs,
 6 controlled to prevent unnecessary duplication, coordinated
 7 with federal guidelines and requirements for vocational
 8 education, and funded to ensure growth and quality
 9 programming. In order to accomplish the orderly development
 10 of a system of K-12 vocational education, the superintendent
 11 of public instruction policies shall include:

- 12 (1) a state plan for such development;
- 13 (2) standards for K-12 vocational education courses
 14 and programs;
- 15 ~~{3}--the-----minimum----requirements----for----granting~~
 16 ~~postsecondary-vocational-technical-certificates-to-students;~~
- 17 ~~{4}{3}~~ a review process for the establishment and
 18 deletion of programs;
- 19 ~~{5}--the--necessary-qualifications-that-a-postsecondary~~
 20 ~~vocational-technical-center-director-must-possess;~~
- 21 ~~{6}{4}~~ instructor qualifications for K-12 vocational
 22 education courses and programs;
- 23 ~~{7}{5}~~ criteria for approval of K-12 vocational
 24 education courses and programs ~~which--are---to---receive~~
 25 ~~financial-assistance;~~

1 ~~{8}--criteria----for----receiving,----reviewing,----and~~
 2 ~~transmitting-----recommendations-----on-----postsecondary~~
 3 ~~vocational-technical-center-operations-and-budget-requests~~
 4 ~~to-the-legislature;~~

5 ~~{9}{6}~~ a basis for apportionment of all moneys
 6 appropriated by the legislature for K-12 vocational
 7 education in accordance with the intent of the legislature
 8 as reflected in the terms of the appropriation;

9 ~~{10}{7}~~ a basis for apportionment of all moneys
 10 received by the state of Montana for K-12 vocational
 11 education from the federal government in accordance with the
 12 acts of congress;

13 ~~{11}{8}~~ a system of evaluation of K-12 vocational
 14 education which allows for consideration of the current and
 15 projected manpower needs and job opportunities; and

16 ~~{12}--the---tuition--and--fees--to--be--charged--at--the~~
 17 ~~postsecondary--vocational-technical--centers,---based---upon~~
 18 ~~legislative--appropriations--available-to-the-superintendent~~
 19 ~~of-public-instruction-for-postsecondary-vocational-technical~~
 20 ~~centers;~~

21 ~~{13}--the-allowable-costs-for-rental--of--buildings--for~~
 22 ~~postsecondary-vocational-technical-center-purposes;~~

23 ~~{14}--guidelines--for--the--authority--delegated--by--the~~
 24 ~~superintendent-of-public-instruction--to--the--local--school~~
 25 ~~district---board---of--trustees--operating--a--postsecondary~~

~~vocational-technical-center; and~~

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

Section 12. Section 20-7-302.1, MCA, is amended to read:

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

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

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

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

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

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

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

~~{7}--provide---a---postsecondary---vocational-technical center---system---policy---and---procedural---handbook---for institutional--operations--that--will--standardize--operations among--the--centers;~~

~~{8}--identify--and--direct--the--county--treasurer--in--those counties--where--postsecondary--vocational-technical-centers are--located--to--establish--the--necessary--multifund--structures for--postsecondary--vocational-technical--center--financial operations;~~

~~{9}--meet--with--the--chairman--of--the--board--of--trustees, district---superintendent,---and--center--director--of--each postsecondary-vocational-technical-center--at--least--twice each---year---to---discuss---recommended---changes---in--the superintendent--of---public---instruction's---policies---and procedures;~~

~~{10}--formulate--and--put--into--effect--uniform-fiscal, student,--staff,--and--program--accounting--systems--for--the postsecondary-vocational-technical-centers;~~

~~{11}{7} prepare any necessary reports for the superintendent of public instruction or the legislature; and~~

~~{12}--represent--the--postsecondary--vocational-technical center--system--to--state--agencies,--associations,--and--others when--appropriate;~~

~~{13}--recommend--a--staffing--pattern--for--the--postsecondary vocational-technical-centers;~~

1 ~~{14}-provide--for--the--evaluation--of--programs---and~~
 2 ~~services---within--each--postsecondary--vocational-technical~~
 3 ~~center;~~

4 ~~{15}-provide--for--evaluation--of--each--postsecondary~~
 5 ~~vocational-technical-center's-ability-to-meet-employment-and~~
 6 ~~student-vocational-technical-education-needs;-and~~

7 ~~{16}(8) perform any other duty assigned by the~~
 8 ~~superintendent of public instruction."~~

9 Section 13. Section 20-7-303, MCA, is amended to read:

10 "20-7-303. ~~District--authorization~~ Authorization to
 11 establish and maintain vocational education courses and
 12 programs. The trustees of any an elementary or high school
 13 ~~district;-community-college-district;-or-unit-of-the-Montana~~
 14 ~~university--system~~ may establish and maintain a vocational
 15 education course or program that complies with the K-12
 16 vocational education standards adopted by the superintendent
 17 of public instruction. In order for a course or program to
 18 be eligible for state or federal financing, it shall be
 19 approved by the superintendent of public instruction for
 20 compliance with K-12 vocational education standards."

21 Section 14. Section 20-7-311, MCA, is amended to read:

22 "20-7-311. ~~Postsecondary-----vocational-technical~~
 23 Vocational-technical center designation. (1) ~~Postsecondary~~
 24 ~~vocational-technical~~ Vocational-technical centers shall be
 25 designated by the ~~superintendent-of-public-instruction-only~~

1 board of regents upon direction of the legislature.
 2 ~~Applications-for-designation-must-be-made-in-accordance-with~~
 3 ~~the-following-procedure:~~

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

15 ~~(b)--Applications---are---to---be---presented---to--the~~
 16 ~~superintendent-of-public-instruction--The-superintendent-of~~
 17 ~~public-instruction-shall-examine-the-application--and--draft~~
 18 ~~recommendations;-The--application;-together--with--all~~
 19 ~~recommendations;-shall-be-presented-by-the-superintendent-of~~
 20 ~~public-instruction-to-the-next-following-legislature-~~

21 (2) The ~~superintendent-of-public-instruction~~ board of
 22 regents shall recognize the ~~presently--designated~~
 23 ~~postsecondary vocational-technical centers operated--by--the~~
 24 ~~respective--board--of--trustees--of~~ designated prior to [the
 25 effective date of this act] in school district number 1 of

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

5 Section 15. Section 20-7-312, MCA, is amended to read:

6 "20-7-312. Local administration of
 7 vocational-technical center. (1) Subject to the requirements
 8 of the laws of the state of Montana and the policies and
 9 rules of the superintendent--of--public--instruction--as
 10 administered--by-the-state-director-of-vocational-education;
 11 the-board-of-trustees-operating--a--postsecondary board of
 12 regents, the director of a vocational-technical center 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 (b) (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 regents;

21 (c) (b) recommend, develop, and submit budgets a
 22 recommended budget for the postsecondary
 23 vocational-technical centers center;

24 (d) (c) establish and collect student tuition and fees;

25 (e) (d) recommend to the superintendent--of--public

1 ~~instruction--through--the--state--director---of---vocational~~
 2 ~~education board of regents:~~

3 (i) proposals regarding postsecondary
 4 vocational-technical center programs, budgets, student
 5 services, and public service activities; and

6 (ii) campus development and program plans for
 7 individual postsecondary vocational-technical center
 8 buildings;

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

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

15 (h) (g) perform any other administrative
 16 responsibilities duties not inconsistent with law and
 17 required by the superintendent-of-public-instruction board
 18 of regents.

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
 24 leased-property."

25 Section 16. Section 20-7-314, MCA, is amended to read:

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

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

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

14 Section 17. Section 20-7-322, MCA, is amended to read:

15 "20-7-322. State treasurer custodian of vocational
 16 education moneys money. (1) The treasurer of the state of
 17 Montana is hereby designated as the custodian of all federal
 18 and state moneys money designated, appropriated, or
 19 apportioned for vocational education. All moneys money
 20 received from any federal or state source for the
 21 establishment, operation, or furtherance of vocational
 22 education in the state shall be deposited with the state
 23 treasurer. At the direction of the superintendent of public
 24 instruction, he shall disburse all moneys-appropriated-or
 25 money received for K-12 vocational education. At the

direction of the board of regents, he shall disburse all money received for vocational-technical education AND FOR VOCATIONAL EDUCATION OTHER THAN K-12 VOCATIONAL EDUCATION.

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

Section 18. Section 20-7-324, MCA, is amended to read:

"20-7-324. Sources of financing for postsecondary vocational-technical center budgets -- superintendent-of-public-instruction-administration distribution of funds. (1) The total of the budgets approved by the superintendent--of-public--instruction board of regents shall constitute the total maximum approved statewide vocational-technical center system budget which shall be financed as follows:

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

(b) The board of county commissioners of each county in which a designated postsecondary vocational-technical center is located IN WHICH A DESIGNATED VOCATIONAL-TECHNICAL CENTER IS LOCATED shall levy a tax in each calendar year of

1 1-1/2 3 1 1/2 mills on the dollar of all taxable property, 2 real and personal, within the county TO RAISE THE AMOUNT 3 APPROPRIATED BY THE LEGISLATURE for the support and 4 maintenance of the postsecondary vocational-technical center 5 located within the county system. THE TAX IS TO BE EFFECTIVE 6 FOR THE--TAXABLE--YEAR PROPERTY TAX YEARS BEGINNING ON OR 7 AFTER JANUARY 1, 1988 1987. IT IS THE INTENT OF THIS 8 SUBSECTION (1)(B) THAT THE COUNTY COMMISSIONERS SHALL LEVY 9 THIS TAX FOR FISCAL YEAR 1988 OPERATION OF THE 10 VOCATIONAL-TECHNICAL SYSTEM AND THEREAFTER.

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

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

1 ~~{i}~~--the sale of bonds issued by that district--(such
2 bonds shall be issued in conformity with the requirements of
3 chapter 9, part 4, of this title in the case of high school
4 and county high school district);

5 ~~{ii}~~--any other funds available to that district--which
6 may be legally and properly applied toward such
7 construction;

8 ~~{iii}~~--the reasonable value of land, buildings,
9 fixtures, or equipment furnished by that district, subject
10 to the approval of the superintendent of public instruction;

11 (2) The superintendent of public instruction board of
12 regents shall direct the distribution of the funds specified
13 in ~~subsections {i}{a} through {i}{c}~~ subsection (1) on the
14 basis of the budgets approved by the superintendent of
15 public instruction board of regents. The funds earned by the
16 mill levy specified in subsection (1)(b) shall be credited
17 to the postsecondary vocational-technical center account in
18 the unrestricted subfund of the current fund in the state
19 treasury.

20 ~~{3}~~--The superintendent of public instruction shall
21 determine the amount of financing available from these four
22 sources of revenue and may approve budgets for instruction,
23 plant operations and maintenance, equipment, and support.
24 The aggregate amount of the budgets so approved by the
25 superintendent of public instruction for postsecondary

1 vocational-technical centers shall not exceed the moneys
2 determined to be available."

3 Section 19. Section 20-7-325, MCA, is amended to read:

4 "20-7-325. Postsecondary-----vocational-technical
5 Vocational-technical center funding -- nongeneral fund money
6 expended first -- reversion of general fund money. (1)
7 Whenever an approved postsecondary vocational-technical
8 center under the provisions of 20-7-311 is operated within a
9 district, the trustees of such district The board of regents
10 shall request the establishment of the appropriate accounts
11 for the vocational-technical center system in the state
12 treasury. These accounts shall be established in the
13 appropriate state treasury funds as determined by the
14 department of administration. All money prescribed and
15 received under the provisions of 20-7-324 shall be credited
16 to these accounts. The expenditure of the money deposited in
17 the state treasury shall be made in accordance with
18 procedures established by the department of administration.
19 Such expenditures shall be made under the budget and for the
20 programs approved by the superintendent of public
21 instruction board of regents under the provisions of
22 20-7-323 and the financial administration provisions of this
23 title.

24 (2) A postsecondary vocational-technical center shall
25 apply expenditures against nongeneral fund money wherever

possible before using state general fund appropriations. All state general fund money appropriated or disbursed to a postsecondary vocational-technical center which are unexpended at fiscal year end shall revert to the state general fund.

~~(3) The approval of the postsecondary vocational-technical center budget and subsequent revision or amendment of such budget by the superintendent of public instruction shall constitute the final budget approval.~~

~~(4) Whenever the county tax prescribed in 20-7-324(i)(b) is to be used in support of the postsecondary vocational-technical center, the county commissioners are authorized to levy such tax on the county in accordance with the provisions of 20-9-142."~~

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

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

Section 21. Section 20-7-332, MCA, is amended to read:

"20-7-332. Tuition rates. (1) Tuition may be charged

to any resident or nonresident of the state of Montana by the ~~governing board~~ director of any postsecondary vocational-technical center at rates to be determined by the ~~superintendent of public instruction board of regents~~ AND THE PROVISIONS OF SUBSECTION (3). The ~~superintendent of public instruction board of regents~~ shall also prescribe permissible uses for any tuition authorized.

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

(3) IF AN ADDITIONAL LEVY FOR A CENTER IS APPROVED UNDER [SECTION 27], THE BOARD OF REGENTS MAY CHARGE AN ADDITIONAL TUITION AMOUNT NOT TO EXCEED \$40 A QUARTER TO A STUDENT AT THE CENTER WHO IS A RESIDENT OF MONTANA BUT WHO IS NOT A PROPERTY TAXPAYER OF THE COUNTY OR AN OWNER OF A VEHICLE REGISTERED WITHIN THE COUNTY WHERE THE CENTER IS LOCATED."

Section 22. Section 20-7-333, MCA, is amended to read:

"20-7-333. ~~Publi~~ Student fees and disposition of collected fees. (1) Fees for the use of equipment and material used in instruction may be charged by the trustees

1 or--other--governing--board director of the postsecondary
2 vocational-technical center. The superintendent--of--public
3 instruction board of regents shall prescribe the basis bases
4 and limitations for the charging of such fees.

5 (2) Fees collected by the postsecondary
6 vocational-technical center shall be deposited with the
7 state treasurer in the fund designated by the superintendent
8 of--public--instruction board of regents for the receipt of
9 such fees. The expenditure of the fees shall not be subject
10 to budget limitations and shall be in addition to the
11 program budgets approved by the superintendent-of-public
12 instruction board of regents."

13 Section 23. Section 20-9-403, MCA, is amended to read:

14 "20-9-403. Bond issues for certain purposes. (1) The
15 trustees of a school district may issue and negotiate bonds
16 on the credit of the school district for the purpose of:

17 (a) building, altering, repairing, buying, furnishing,
18 equipping, purchasing lands for, and/or obtaining a water
19 supply for a school, teacherage, dormitory, gymnasium, other
20 building, or combination of said buildings for school
21 purposes;--including--postsecondary--vocational-technical
22 ~~centers-in-the-school-district;~~

23 (b) buying a school bus or buses;

24 (c) providing the necessary money to redeem matured
25 bonds, maturing bonds, or coupons appurtenant to bonds when

1 there is not sufficient money to redeem them;

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

5 (e) funding a judgment against the district.

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

12 Section 24. Section 20-9-513, MCA, is amended to read:

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

23 Section 25. Section 39-71-118, MCA, is amended to
24 read:

25 "39-71-118. Employee, worker, and workman defined. (1)

1 The terms "employee", "workman", or "worker" mean:

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

17 (b) a recipient of general relief who is performing
18 work for a county of this state under the provisions of
19 53-3-303 through 53-3-305 and any juvenile performing work
20 under authorization of a district court judge in a
21 delinquency prevention or rehabilitation program;

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

1 defined in this chapter and whether or not receiving payment
2 from a third party. However, this subsection does not apply
3 to students enrolled in vocational training programs as
4 outlined above while they are on the premises of a public
5 school or community college.

6 (d) students enrolled and in attendance in programs of
7 vocational-technical education ~~approved-by-the--state--board~~
8 ~~of----public----education~~ at designated ~~postsecondary~~
9 vocational-technical centers; or

10 (e) an airman or other person employed as a volunteer
11 under 67-2-105.

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

1 average weekly wage as defined in this chapter."

2 Section 26. Section 90-6-211, MCA, is amended to read:

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

1 in 90-6-205(5), the principal of the local impact and
2 education trust fund shall be dedicated to education and
3 forever remain inviolate and sacred to this purpose as
4 provided in sections 3 and 10 of Article X of the Montana
5 constitution."

6 NEW SECTION. SECTION 27. ADDITIONAL LEVY BY SCHOOL
7 DISTRICT -- PROCEDURE. (1) FOR SCHOOL FISCAL YEARS 1988 AND
8 1989, THE TRUSTEES OF A SCHOOL DISTRICT THAT OPERATED A
9 VOCATIONAL-TECHNICAL CENTER PRIOR TO JULY 1, 1987, MAY
10 PROPOSE TO THE BOARD OF REGENTS THAT A BUDGET FOR SALARIES,
11 BENEFITS, OPERATIONS, AND EQUIPMENT BE ADOPTED FOR THE
12 CENTER IN EXCESS OF THE AMOUNT APPROPRIATED BY THE
13 LEGISLATURE.

14 (2) IF THE BOARD OF REGENTS APPROVES OF A BUDGET FOR A
15 CENTER IN EXCESS OF THE APPROPRIATED AMOUNT, THE TRUSTEES OF
16 THE DISTRICT THAT OPERATED THE CENTER SHALL SUBMIT TO THE
17 QUALIFIED ELECTORS OF THE DISTRICT, PURSUANT TO 20-20-301
18 AND IN THE MANNER PRESCRIBED BY 20-9-353, A PROPOSITION FOR
19 AN ADDITIONAL LEVY FOR THE ADDITIONAL FUNDING. WHEN THE
20 PROPOSITION IS PRESENTED TO THE ELECTORATE, THE PROPOSITION
21 MUST BE PRESENTED AS A SEPARATE ISSUE ON THE BALLOT.

22 (3) IF A PROPOSITION FOR AN ADDITIONAL LEVY FOR A
23 VOCATIONAL-TECHNICAL CENTER IS APPROVED BY THE ELECTORATE,
24 THE BOARD OF REGENTS SHALL REQUEST THE ESTABLISHMENT OF AN
25 INDIVIDUAL ACCOUNT FOR THE CENTER IN THE STATE TREASURY AS

1 DETERMINED BY THE DEPARTMENT OF ADMINISTRATION. THE FUNDS IN
 2 EACH CENTER ACCOUNT ARE AVAILABLE APPROPRIATED FOR APPROVED
 3 EXPENDITURES FOR THE CENTER. AFTER JULY 1, 1989, ANY
 4 UNEXPENDED FUNDING IN A CENTER ACCOUNT MUST BE RETURNED TO
 5 THE SCHOOL DISTRICT THAT REQUESTED THE ADDITIONAL FUNDING.

6 (4) FOR SCHOOL FISCAL YEAR 1988, IF THE TRUSTEES OF A
 7 SCHOOL DISTRICT THAT OPERATED A VOCATIONAL-TECHNICAL CENTER
 8 PRIOR TO JULY 1, 1987, HAVE ADOPTED A BUDGET IN EXCESS OF
 9 THAT APPROPRIATED BY THE LEGISLATURE AND HAVE SUBMITTED THE
 10 PROPOSITION FOR AN ADDITIONAL LEVY TO THE QUALIFIED ELECTORS
 11 OF THE DISTRICT AND IF THE ELECTORS HAVE APPROVED THE
 12 PROPOSITION AS PROVIDED FOR IN FORMER 20-7-326, THE TRUSTEES
 13 NEED NOT SUBMIT THE PROPOSITION TO THE ELECTORS AT AN
 14 ADDITIONAL ELECTION FOLLOWING APPROVAL OF THE BUDGET BY THE
 15 BOARD OF REGENTS AS PROVIDED FOR IN SUBSECTION (2).

16 NEW SECTION. SECTION 28. VOCATIONAL-TECHNICAL CENTER
 17 EQUIPMENT. THE EQUIPMENT OF A VOCATIONAL-TECHNICAL CENTER
 18 DESIGNATED PRIOR TO [THE EFFECTIVE DATE OF THIS ACT] MAY NOT
 19 BE TRANSFERRED FROM THE CENTER FOR 2 YEARS WITHOUT CONSENT
 20 OF THE SCHOOL DISTRICT BOARD OF TRUSTEES THAT OPERATED THE
 21 CENTER PRIOR TO [THE EFFECTIVE DATE OF THIS ACT].

22 NEW SECTION. SECTION 29. REPORT BY BOARD OF REGENTS.
 23 THE BOARD OF REGENTS SHALL REPORT TO THE 51ST LEGISLATURE ON
 24 THE FOLLOWING CONCERNS:

25 (1) A PLAN FOR REORGANIZATION OF THE DELIVERY SYSTEM

1 FOR ALL POSTSECONDARY VOCATIONAL-TECHNICAL EDUCATION IN
 2 MONTANA;

3 (2) A LONG-TERM PLAN FOR ACHIEVING HIGH QUALITY
 4 VOCATIONAL-TECHNICAL PROGRAMS AT THE VOCATIONAL-TECHNICAL
 5 CENTERS THROUGH THE POSSIBILITY OF PROGRAM SPECIALIZATION AT
 6 EACH CENTER;

7 (3) THE FEASIBILITY AND APPROPRIATENESS OF CLOSURE OF
 8 ONE OR MORE OF THE VOCATIONAL-TECHNICAL FACILITIES;

9 {3}(4) A PLAN FOR ELIMINATION OF PROGRAMS THAT SERVE
 10 FEW STUDENTS;

11 {4}(5) A PLAN FOR CONSOLIDATION OF ADMINISTRATIVE
 12 FUNCTIONS OF THE INDIVIDUAL CENTERS WHICH COULD RESULT IN
 13 COST SAVINGS AND MORE EFFICIENT OPERATIONS; AND

14 {5}(6) THE FEASIBILITY OF CONSOLIDATING POSTSECONDARY
 15 VOCATIONAL-TECHNICAL FACILITIES AND STAFF WITH NEARBY UNITS
 16 OF THE UNIVERSITY SYSTEM.

17 NEW SECTION. SECTION 30. APPROPRIATION. THERE IS
 18 APPROPRIATED \$1,454,690 FROM THE LOCAL IMPACT AND EDUCATION
 19 TRUST FUND ACCOUNT FUNDED BY 15-35-108(3)(B) TO THE BOARD OF
 20 REGENTS FOR THE FISCAL BIENNIUM ENDING JUNE 30, 1989, TO BE
 21 USED TO OPERATE THE VOCATIONAL-TECHNICAL CENTERS.

22 NEW SECTION. Section 31. Repealer. Sections 20-7-304,
 23 20-7-313, 20-7-323, 20-7-326, AND 20-7-331, 20-9-404,--and
 24 20-9-405, MCA, are repealed.

25 NEW SECTION. Section 32. Extension of authority. Any

1 existing authority of the superintendent of public
2 instruction to make rules on the subject of the provisions
3 of this act is extended to the provisions of this act.

4 NEW SECTION. Section 33. Codification instructions.
5 (1) Sections 1 through 5 AND 27 are intended to be codified
6 as an integral part of Title 20, and the provisions of
7 Title 20 apply to sections 1 through 5 AND 27.

8 (2) Sections 20-7-311, 20-7-312, 20-7-314, 20-7-322,
9 20-7-324, 20-7-325, 20-7-327, 20-7-332, and 20-7-333 are
10 intended to be renumbered and codified as an integral part
11 of a new chapter in Title 20 on the governance of
12 vocational-technical centers.

13 NEW SECTION. Section 34. Code commissioner name
14 change. In all sections of the Montana Code Annotated not
15 contained in this act and in all provisions passed by the
16 50th legislature wherein reference is made to a
17 postsecondary vocational-technical center, the code
18 commissioner shall change the reference to
19 vocational-technical center.

20 NEW SECTION. Section 35. Effective date. This act is
21 effective July 1, 1987.

-End-