

HOUSE BILL NO. 18

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

Transmitted to Senate

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

1                    HOUSE    BILL NO.    18  
 2    INTRODUCED BY    DONALDSON

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

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

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

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

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

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



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

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

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

14 (b) adopt standards for courses and programs;

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

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

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

1 directors, administrative staff, and other personnel;

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

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

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

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

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

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

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

25 (m) establish for the various centers uniform policies

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

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

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

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

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

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

1 center rules and policies;

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

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

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

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

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

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

25 NEW SECTION. Section 7. Existing center employees.

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

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

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

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

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

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

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

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

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

1 vocational-technical education;

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

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

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

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

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

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

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

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

25 (c) any person employed in an instructional services

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

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

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

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

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

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

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

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

3 Section 10. Section 20-1-101, MCA, is amended to read:

4 "20-1-101. Definitions. As used in this title, unless  
5 the context clearly indicates otherwise, the following  
6 definitions apply:

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

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

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

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

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

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

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

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

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

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

17 ~~†9†~~(10) "Postsecondary vocational-technical education"  
18 means vocational-technical education of postsecondary  
19 vocational-technical ~~pupils~~ students which is conducted by a  
20 postsecondary vocational-technical center or other programs  
21 as designated by the ~~superintendent--of--public--instruction~~  
22 board of postsecondary vocational-technical education.  
23 Postsecondary vocational-technical education shall include  
24 the 13th and 14th year and beyond but will not include work  
25 toward a baccalaureate degree.

1        {10}(11) "Postsecondary vocational-technical pupil  
2        student" means a person who has completed or left school, is  
3        at least 16 years of age, and is available for study in  
4        preparation for entering the labor market, for reentering  
5        the labor market, or for employment stability or advancement  
6        in employment.

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

16       {12}(13) "Pupil" means any child who is 6 years of age  
17       or older on or before September 10 of the year in which the  
18       child is to enroll or has been enrolled by special  
19       permission of the board of trustees under 20-5-101(3) but  
20       has not yet reached his 19th birthday and who is enrolled in  
21       a school established and maintained under the laws of the  
22       state of Montana at public expense.

23       {13}(14) "Pupil instruction" means the conduct of  
24       organized instruction of pupils enrolled in public schools  
25       while under the supervision of a teacher.

1        {14}(15) "Regents" means the board of regents of higher  
2        education.

3        {15}(16) "School food services" means a service of  
4        providing food for the pupils of a district on a nonprofit  
5        basis and shall include any food service financially  
6        assisted through funds or commodities provided by the United  
7        States government.

8        {16}(17) "The state board of education" is the board  
9        composed of the board of public education and the board of  
10       regents as specified in Article X, section 9, subsection  
11       (1), of the 1972 Montana constitution.

12       {17}(18) "State university" means the Montana state  
13       university, located at Bozeman.

14       {18}(19) "Superintendent of public instruction" means  
15       that state government official designated as a member of the  
16       executive branch by the constitution of Montana.

17       {19}(20) "System" means the Montana university system.

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



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

3 ~~{21}~~(22) "Textbook" means a book or manual used as a  
4 principal source of study material for a given class or  
5 group of students.

6 ~~{22}~~(23) "Textbook dealer" means any party, company,  
7 corporation, or other organization selling, offering to  
8 sell, or offering for adoption textbooks to districts in the  
9 state of Montana.

10 ~~{23}~~(24) "Trustees" means the governing board of a  
11 district.

12 ~~{24}~~(25) "University" means the university of Montana,  
13 located at Missoula.

14 ~~{25}~~(26) "Vocational education" means the instruction  
15 to prepare or improve the pupil for gainful employment that  
16 does not require a baccalaureate or higher degree. This  
17 definition of vocational education shall include guidance  
18 and prevocational, related, or technical instruction  
19 necessary to prepare the pupil for further vocational  
20 education or for entry into employment."

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

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

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

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

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

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

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

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

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

14 Section 12. Section 20-2-111, MCA, is amended to read:  
 15 "20-2-111. Officers of boards -- quorum. (1) The board  
 16 of public education, the board of postsecondary  
 17 vocational-technical education, and the board of regents may  
 18 each select a chairman from among their appointed members.

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

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

25 (4) The professional assistant shall serve as a

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

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

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

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

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

1 Section 15. Section 20-2-114, MCA, is amended to read:

2 "20-2-114. Adoption of rules -- seal -- record of  
3 proceedings. The board of public education, the board of  
4 postsecondary vocational-technical education, the board of  
5 regents, and the state board of education each shall:

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

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

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

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

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

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

1 the superintendent of public instruction shall employ:

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

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

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

12 Section 17. Section 20-3-104, MCA, is amended to read:

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

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

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

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

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

1 supervise the transportation program;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1       ~~{28}~~ consider applications for the designation of a  
2 postsecondary vocational technical center in accordance with  
3 the provisions of 20-7-311;

4       ~~{29}~~ establish a fund for the handling of postsecondary  
5 vocational technical center fees in accordance with the  
6 provisions of 20-7-333;

7       ~~{30}~~ {28} supervise and coordinate the conduct of  
8 special education in the state in accordance with the  
9 provisions of 20-7-403;

10       ~~{31}~~ {29} administer the traffic education program in  
11 accordance with the provisions of 20-7-502;

12       ~~{32}~~ {30} administer the school food services program in  
13 accordance with the provisions of 20-10-201, 20-10-202, and  
14 20-10-203;

15       ~~{33}~~ {31} review school building plans and  
16 specifications in accordance with the provisions of  
17 20-6-622;

18       ~~{34}~~ {32} prescribe the method of identification and  
19 signals to be used by school safety patrols in accordance  
20 with the provisions of 20-1-408; and

21       ~~{35}~~ {33} perform any other duty prescribed from time to  
22 time by this title, any other act of the legislature, or the  
23 policies of the board of public education."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

25 (1) a state plan for such development;

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

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

5 ~~(4)~~ (3) a review process for the establishment and  
6 deletion of programs;

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

9 ~~(6)~~ (4) instructor qualifications for K-12 vocational  
10 education courses and programs;

11 ~~(7)~~ (5) criteria for approval of K-12 vocational  
12 education courses and programs which are to receive  
13 financial assistance;

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

18 ~~(9)~~ (6) a basis for apportionment of all moneys  
19 appropriated by the legislature for K-12 vocational  
20 education in accordance with the intent of the legislature  
21 as reflected in the terms of the appropriation;

22 ~~(10)~~ (7) a basis for apportionment of all moneys  
23 received by the state of Montana for K-12 vocational  
24 education from the federal government in accordance with the  
25 acts of congress;

1       ~~{11}~~(8) a system of evaluation of K-12 vocational  
2 education which allows for consideration of the current and  
3 projected manpower needs and job opportunities; and

4       ~~{12} the tuition and fees to be charged at the~~  
5 ~~postsecondary vocational technical centers, based upon~~  
6 ~~legislative appropriations available to the superintendent~~  
7 ~~of public instruction for postsecondary vocational technical~~  
8 ~~centers;~~

9       ~~{13} the allowable costs for rental of buildings for~~  
10 ~~postsecondary vocational technical center purposes;~~

11       ~~{14} guidelines for the authority delegated by the~~  
12 ~~superintendent of public instruction to the local school~~  
13 ~~district board of trustees operating a postsecondary~~  
14 ~~vocational technical center; and~~

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

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

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

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

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

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

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

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

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

14       ~~{7} provide a postsecondary vocational technical~~  
15 ~~center system policy and procedural handbook for~~  
16 ~~institutional operations that will standardize operations~~  
17 ~~among the centers;~~

18       ~~{8} identify and direct the county treasurer in those~~  
19 ~~counties where postsecondary vocational technical centers~~  
20 ~~are located to establish the necessary multifund structures~~  
21 ~~for postsecondary vocational technical center financial~~  
22 ~~operations;~~

23       ~~{9} meet with the chairman of the board of trustees,~~  
24 ~~the district superintendent, and center director of each~~  
25 ~~postsecondary vocational technical center at least twice~~

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

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

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

9 {12}-represent--the--postsecondary-vocational-technical  
10 center-system-to-state-agencies,-associations,-and-others  
11 when-appropriate;

12 {13}-recommend-a-staffing-pattern-for-the-postsecondary  
13 vocational-technical-centers;

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

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

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

22 Section 23. Section 20-7-303, MCA, is amended to read:

23 "20-7-303. ~~District~~ Authorization to  
24 establish and maintain vocational education courses and  
25 programs. The trustees of any an elementary or high school

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

18 Section 24. Section 20-7-311, MCA, is amended to read:

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

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

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

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

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

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

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

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

17 (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 postsecondary  
 21 vocational-technical education;

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

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 postsecondary vocational-technical~~  
 3 ~~education:~~

4 (i) proposals regarding postsecondary  
 5 vocational-technical center programs, budgets, student  
 6 services, and public service activities; and

7 (ii) campus development and program plans for  
 8 individual postsecondary vocational-technical center  
 9 buildings;

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

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

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

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

1 leased-property."

2 Section 26. Section 20-7-314, MCA, is amended to read:

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

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

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

17 Section 27. Section 20-7-322, MCA, is amended to read:

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

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

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

13 Section 28. Section 20-7-323, MCA, is amended to read:

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

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

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

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

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

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

23 Section 29. Section 20-7-324, MCA, is amended to read:

24 "20-7-324. Sources of financing for postsecondary  
25 vocational-technical center budgets -- ~~superintendent of~~

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

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

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

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

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

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

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

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

1 ~~(ii)--any--other--funds--available--to--that--district--which~~  
 2 ~~may--be--legally--and--properly--applied--toward--such~~  
 3 ~~construction;~~

4 ~~(iii)--the--reasonable--value--of--land,--buildings,~~  
 5 ~~fixtures,--or--equipment--furnished--by--that--district,--subject~~  
 6 ~~to--the--approval--of--the--superintendent--of--public--instruction.~~

7 (2) The ~~superintendent--of--public--instruction~~ board of  
 8 postsecondary vocational-technical education shall direct  
 9 the distribution of the funds specified in subsections  
 10 (1)(a), (1)(b), and (1)~~(c)~~(d) on the basis of the budgets  
 11 approved by the ~~superintendent--of--public--instruction~~ board  
 12 of postsecondary vocational-technical education. The funds  
 13 earned by the mill levy specified in subsection (1)~~(b)~~(c)  
 14 shall be credited by the county treasurer to the  
 15 postsecondary vocational-technical center fund.

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

24 Section 30. Section 20-7-325, MCA, is amended to read:

25 "20-7-325. Postsecondary vocational-technical center



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

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

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

3 ~~(3)---The-----approval-----of-----the-----postsecondary~~  
 4 ~~vocational-technical-center-budget-and---subsequent---revision~~  
 5 ~~or---amendment-of-such-budget-by-the-superintendent-of-public~~  
 6 ~~instruction-shall-constitute-the-final-budget-approval---~~

7 ~~(4)~~(3) Whenever the county tax prescribed in  
 8 20-7-324(1)~~(b)~~(c) is to be used in support of the  
 9 postsecondary vocational-technical center, the county  
 10 commissioners are authorized to levy such tax on the county  
 11 in accordance with the provisions of 20-9-142."

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

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

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

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

14 Section 33. Section 20-7-333, MCA, is amended to read:

15 "20-7-333. ~~Publi~~ Student fees and disposition of  
 16 collected fees. (1) Fees for the use of equipment and  
 17 material used in instruction may be charged by the ~~trustees~~  
 18 ~~or-other--governing--board~~ director of the postsecondary  
 19 vocational-technical center. The ~~superintendent-of-public~~  
 20 instruction board of postsecondary vocational-technical  
 21 education shall prescribe the ~~base~~ bases and limitations  
 22 for the charging of such fees.

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

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

7 Section 34. Section 20-9-403, MCA, is amended to read:

8 "20-9-403. Bond issues for certain purposes. (1) The  
 9 trustees of a school district may issue and negotiate bonds  
 10 on the credit of the school district for the purpose of:

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

17 (b) buying a school bus or buses;

18 (c) providing the necessary money to redeem matured  
 19 bonds, maturing bonds, or coupons appurtenant to bonds when  
 20 there is not sufficient money to redeem them;

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

24 (e) funding a judgment against the district.

25 (2) Any money realized from the sale of any bonds

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

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

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

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

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

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

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

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

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

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

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

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

22 Section 37. Section 39-71-118, MCA, is amended to  
 23 read:

24 "39-71-118. Employee, worker, and workman defined. (1)  
 25 The terms "employee", "workman", or "worker" mean:

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

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

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

1 from a third party. However, this subsection does not apply  
 2 to students enrolled in vocational training programs as  
 3 outlined above while they are on the premises of a public  
 4 school or community college; or

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

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

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

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

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

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

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

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

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

-End-

STATE OF MONTANA  
FISCAL NOTE

REQUEST NO. FNN 050-85

Form BD-15

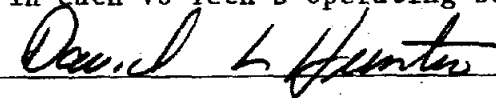
In compliance with a written request received January 10, 19 85, there is hereby submitted a Fiscal Note for H. B. 18 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

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

ASSUMPTIONS:

1. Administrative costs will not change except for the operations of the new Board of Postsecondary Vocational Education and its staff.
2. The Board will meet approximately 10 times a year.
3. The Commissioner of Postsecondary Vocational-Technical Education will hire a staff.
4. Current Vo-Tech programs occupy 589,200 sq. ft. of school district property.
5. An average state lease rate of \$ 4.15 per sq. ft. will be the negotiated agreement between the Board and the local school districts.
6. Statewide valuation will be \$2,408,903,000 - 1986  
\$2,495,795,000 - 1987.
7. Voted levies are not authorized.
8. Current voted levies total \$1,227,907 in FY 1985 and would remain the same if the proposed bill is not adopted.
9. Prime reason for the voted levies is the salary differential between legislatively authorized salaries and local district salary levels.
10. Collective bargaining salary levels in FY 86 and FY 87 will be tied to the local districts negotiated settlement. Because there is no funding provision for salary increases above those authorized by the Legislature, any additional cost associated with future local agreements will be absorbed in each Vo-Tech's operating budget.



BUDGET DIRECTOR  
Office of Budget and Program Planning

Date: Jan 16, 1985

FISCAL IMPACT:

Revenue:

Millage

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

Voted Current	\$1,227,907	\$1,227,907
Proposed	-0-	-0-
Decrease	<u>(\$1,227,907)</u>	<u>(\$1,227,907)</u>

2 mills statewide	\$4,817,806	\$4,991,590
Current	-0-	-0-
Increase	<u>\$4,817,806</u>	<u>\$4,991,590</u>

Net Affect on Millage Revenue (Increase)	<u>\$2,732,099</u>	<u>\$2,890,015</u>
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Expenditures:

Board Operations

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

Assumption of

Current voted levy costs	\$ <u>1,227,907</u>	\$ <u>1,227,907</u>
--------------------------	---------------------	---------------------

Potential Lease Costs	\$ <u>2,445,180</u>	\$ <u>2,445,180</u>
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Total Cost Increase	\$ <u>3,977,427</u>	\$ <u>3,971,320</u>
---------------------	---------------------	---------------------

Net Cost to the General Fund  
for Vo-Tech Operations

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



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

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

LOCAL IMPACT:

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

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

Eliminates local voted levies for Vo-Tech Center operations.  
Establishes a 2 mill statewide mandatory levy for vo-tech operations.

LONG TERM IMPACT:

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

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

TECHNICAL NOTES:

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

STATE OF MONTANA  
FISCAL NOTE

Revised  
REQUEST NO. FNN 050-85

Form BD-15

In compliance with a written request received January 10, 19 85, there is hereby submitted a Fiscal Note for H. B. 18 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

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

ASSUMPTIONS:

1. Administrative costs will not change except for the operations of the new Board of Postsecondary Vocational Education and its staff.
2. The Board will meet approximately 10 times a year.
3. The Commissioner of Postsecondary Vocational-Technical Education will hire a staff.
4. Current Vo-Tech programs occupy 589,200 sq. ft. of school district property. 32.8% of this space was purchased with state funding.
5. An average state lease rate of \$ 4.15 per sq. ft. will be the negotiated agreement between the Board and the local school districts.
6. Statewide valuation will be \$2,397,311,000 - 1986  
\$2,444,893,000 - 1987.
7. Voted levies are not authorized as of July 1, 1986.
8. Current voted levies total \$1,568,927 in FY 1985 and would remain the same if the proposed bill is not adopted.
9. Collective bargaining salary levels in FY 86 will be tied to the local districts negotiated settlement.
10. After July 1, 1986, all Vo-Tech personnel will be state employees governed by those standards applied by other state agencies.
11. Effective July 1, 1986, no property tax revenues will be used in the support of Vo-Tech Institutes.

*David L Hunter*

BUDGET DIRECTOR  
Office of Budget and Program Planning

Date: Feb 20, 1985

FISCAL IMPACT:

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

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

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

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

LOCAL IMPACT:

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

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

LONG TERM IMPACT:

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

TECHNICAL NOTES:

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

APPROVED BY COMM. ON EDUCATION  
AND CULTURAL RESOURCES

STATEMENT OF INTENT

HOUSE BILL 18

House Education and Cultural Resources Committee

1  
2  
3  
4  
5 Section 3 of the bill requires the board of  
6 vocational-technical institutes to adopt rules implementing  
7 its powers and duties. The legislature intends these rules  
8 to encompass the full range of board powers and duties, and  
9 particularly those set out in section 3 of the bill which is  
10 effective on passage and approval. The legislature intends  
11 that the board begin the process of adopting rules and  
12 policies prior to the July 1, 1986, effective date for  
13 implementation of the remainder of the act.

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

SECOND READING

HB 18

## 1 HOUSE BILL NO. 18

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

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

21  
22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

23 (Refer to Introduced Bill)

24 Strike everything after the enacting clause and insert:

25 NEW SECTION. Section 1. Board of vocational-technical

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

9 (2) The board of vocational-technical institutes is  
10 allocated to the board of regents as provided in this  
11 subsection. The budget requests of the board of  
12 vocational-technical institutes must be included with those  
13 of the board of regents. The board of regents has  
14 supervisory, administrative, coordinating, and other powers  
15 and duties with respect to the board of vocational-technical  
16 institutes to the extent necessary for the board of regents  
17 to comply with its duties as the sole state agency under the  
18 1984 federal vocational education act and [section 2].

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

1 those programs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (m) establish for the various institutes uniform

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

1 assumption of accumulated leave liability with the district.

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

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

1 officer of the board of investments; and

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

4 Section 8. Section 19-4-302, MCA, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 ~~(9) "Postsecondary vocational-technical-center" means~~  
25 ~~a school used principally for the provision of postsecondary~~

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

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

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

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

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

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

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

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

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

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

1 (1), of the 1972 Montana constitution.

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

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

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

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

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

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

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

1 district.

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

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

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

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

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

25 "20-2-101. Combined boards as state board -- budget

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

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

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

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

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

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

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

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

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

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

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

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

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

8 Section 12. Section 20-2-112, MCA, is amended to read:

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

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

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

21 Section 13. Section 20-2-113, MCA, is amended to read:

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

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

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

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

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

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

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

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

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

25 (2) The superintendent of public instruction shall

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

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

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

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

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

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

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

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

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

1 valid teacher certificate;

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

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

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

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

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

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

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

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

25 (3) negotiate reciprocal tuition agreements with other

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

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

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

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

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

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

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

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

25 (11) generally supervise the school financial



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

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

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

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

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

10 ~~†30) (28)~~ supervise and coordinate the conduct of  
 11 special education in the state in accordance with the  
 12 provisions of 20-7-403;

13 ~~†31) (29)~~ administer the traffic education program in  
 14 accordance with the provisions of 20-7-502;

15 ~~†32) (30)~~ administer the school food services program in  
 16 accordance with the provisions of 20-10-201, 20-10-202, and  
 17 20-10-203;

18 ~~†33) (31)~~ review school building plans and  
 19 specifications in accordance with the provisions of  
 20 20-6-622;

21 ~~†34) (32)~~ prescribe the method of identification and  
 22 signals to be used by school safety patrols in accordance  
 23 with the provisions of 20-1-408; and

24 ~~†35) (33)~~ perform any other duty prescribed from time to  
 25 time by this title, any other act of the legislature, or the

1 policies of the board of public education."

2 Section 18. Section 20-3-324, MCA, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 which is operated in conjunction with a junior high school;

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

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

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

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

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

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

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

3 (1) a state plan for such development;

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

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

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

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

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

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

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

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

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

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

4 ~~{11}~~(8) a system of evaluation of K-12 vocational  
5 education which allows for consideration of the current and  
6 projected manpower needs and job opportunities; and

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

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

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

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

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

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

1 public instruction. He must:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 to the next following legislature.

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

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

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



1 vocational-technical center institute according to the  
 2 policies and procedures rules of the board of trustees  
 3 vocational-technical institutes;  
 4 ~~(c)~~(b) recommend, develop, and submit budgets a  
 5 recommended budget for the postsecondary  
 6 vocational-technical centers institute;  
 7 ~~(d)~~(c) establish and collect student tuition and fees;  
 8 ~~(e)~~(d) recommend to the superintendent--of--public  
 9 instruction--through--the--state--director--of--vocational  
 10 education board of vocational-technical institutes;  
 11 (i) proposals regarding postsecondary  
 12 vocational-technical center institute programs, budgets,  
 13 student services, and public service activities; and  
 14 (ii) campus development and program plans for  
 15 individual postsecondary vocational-technical center  
 16 institute buildings;  
 17 ~~(f)~~(e) manage buildings erected and equipped on leased  
 18 grounds at the vocational-technical institute;  
 19 ~~(g)~~(f) receive and administer gifts and bequests to  
 20 the postsecondary vocational-technical center institute  
 21 according to a written plan submitted to the superintendent  
 22 of--public--instruction board of vocational-technical  
 23 institutes; and  
 24 ~~(h)~~(g) perform any other administrative  
 25 responsibilities duties not inconsistent with law and

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

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

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

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

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

22 Section 27. Section 20-7-324, MCA, is amended to read:

23 "20-7-324. Sources of financing for postsecondary  
 24 vocational technical center institute budgets --  
 25 ~~superintendent--of--public--instruction--administration~~

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

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

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

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

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

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

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

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

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

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

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

13 Section 28. Section 20-7-325, MCA, is amended to read:

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

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

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

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

20 ~~(4) Whenever the county tax prescribed in~~  
 21 ~~20-7-324(1)(b) is to be used in support of the postsecondary~~  
 22 ~~vocational-technical center, the county commissioners are~~  
 23 ~~authorized to levy such tax on the county in accordance with~~  
 24 ~~the provisions of 20-9-142."~~

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

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

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

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

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

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

2 Section 31. Section 20-7-333, MCA, is amended to read:

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

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

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

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

24 (a) building, altering, repairing, buying, furnishing,  
 25 equipping, purchasing lands for, and/or obtaining a water

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

5 (b) buying a school bus or buses;

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

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

12 (e) funding a judgment against the district.

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

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

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

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

6 Section 34. Section 20-9-603, MCA, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

-End-

## 1 STATEMENT OF INTENT

## 2 HOUSE BILL 18

3 House Education and Cultural Resources Committee  
4

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

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

HOUSE BILL NO. 18

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

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

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

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

NEW SECTION. Section 1. Board of vocational-technical

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

(2) The board of vocational-technical institutes is allocated to the board of regents as provided in this subsection. The budget requests of the board of vocational-technical institutes must be included with those of the board of regents. The board of regents has supervisory, administrative, coordinating, and other powers and duties with respect to the board of vocational-technical institutes to the extent necessary for the board of regents to comply with its duties as the sole state agency under the 1984 federal vocational education act and [section 2].

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



1 those programs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (m) establish for the various institutes uniform

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 NEW SECTION. Section 6. Existing institute employees.

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

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

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

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

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

3 Section 7. Section 2-18-103, MCA, is amended to read:

4 "2-18-103. Officers and employees excepted. Parts 1  
 5 and 2 do not apply to the following positions in state  
 6 government:

7 (1) elected officials;

8 (2) county assessors and their chief deputy;

9 (3) officers and employees of the legislative branch;

10 (4) judges and employees of the judicial branch;

11 (5) members of boards and commissions appointed by the  
 12 governor, appointed by the legislature, or appointed by  
 13 other elected state officials;

14 (6) officers or members of the militia;

15 (7) agency heads appointed by the governor;

16 (8) academic and professional administrative personnel  
 17 with individual contracts under the authority of the board  
 18 of regents of higher education or the board of  
 19 vocational-technical institutes;

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

24 (10) teachers under the authority of the department of  
 25 institutions;

1 (11) investment officer and assistant investment  
2 officer of the board of investments; and

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

5 Section 8. Section 19-4-302, MCA, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 university.

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

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

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

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

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

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

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

25 ~~{8}--"Postsecondary-vocational-technical-center"--means~~

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

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

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

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

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

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

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

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

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

24 ~~(16)~~(15) "The state board of education" is the board  
25 composed of the board of public education and the board of

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

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

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

8 ~~(19)~~(18) "System" means the Montana university system.

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

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

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

1       ~~(23)~~(22) "Trustees" means the governing board of a  
2 district.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 board of regents.

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

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

9 Section 12. Section 20-2-112, MCA, is amended to read:

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

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

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

22 Section 13. Section 20-2-113, MCA, is amended to read:

23 "20-2-113. Per diem of board members -- expenses.  
24 Appointed members of the board of public education, the  
25 board of vocational-technical institutes, and the board of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (15) estimate the statewide equalization level for the  
16 foundation program in accordance with the provisions of  
17 20-9-348;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 ~~{35}~~(33) perform any other duty prescribed from time to

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

3 Section 18. Section 20-3-324, MCA, is amended to read:

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

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

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

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

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



1 elections chapter of this title;

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

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

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

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

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

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

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

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

1 bonds parts of this title;

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

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

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

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

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

1 (18) establish and maintain the school food services of  
2 the district in accordance with the provisions of the school  
3 food services parts of this title;

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

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

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

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

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

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

24 "20-6-501. Definition of various schools. As used in  
25 this title, unless the context clearly indicates otherwise,

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

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

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

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

25 (b) a senior high school is a school which comprises

1 the work of grades 10 through 12 or their equivalents and  
 2 which is operated in conjunction with a junior high school;

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

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

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

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

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

1 programming. In order to accomplish the orderly development  
 2 of a system of K-12 vocational education, the superintendent  
 3 of public instruction policies shall include:

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

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

9 ~~(4) a review process for the establishment and~~  
 10 ~~deletion of programs;~~

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

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

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

18 ~~(8) criteria for receiving, reviewing, and~~  
 19 ~~transmitting recommendations on postsecondary~~  
 20 ~~vocational-technical center operations and budget requests~~  
 21 ~~to the legislature;~~

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

1       ~~{10}~~(7) a basis for apportionment of all moneys  
2 received by the state of Montana for K-12 vocational  
3 education from the federal government in accordance with the  
4 acts of congress;

5       ~~{11}~~(8) a system of evaluation of K-12 vocational  
6 education which allows for consideration of the current and  
7 projected manpower needs and job opportunities; and

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

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

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

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

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

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

1 vocational education appointed by the superintendent of  
2 public instruction. He must:

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

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

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

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

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

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

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

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

1 operations;

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

3 the district superintendent and center director of each

4 postsecondary vocational technical center at least twice

5 each year to discuss recommended changes in the

6 superintendent of public instruction's policies and

7 procedures;

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

9 student, staff, and program accounting systems for the

10 postsecondary vocational technical centers;

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

12 superintendent of public instruction or the legislature; and

13 (12) represent the postsecondary vocational technical

14 center system to state agencies, associations, and others

15 when appropriate;

16 (13) recommend a staffing pattern for the postsecondary

17 vocational technical centers;

18 (14) provide for the evaluation of programs and

19 services within each postsecondary vocational technical

20 center;

21 (15) provide for evaluation of each postsecondary

22 vocational technical center's ability to meet employment and

23 student vocational technical education needs; and

24 (16) (8) perform any other duty assigned by the

25 superintendent of public instruction."

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

2 "20-7-303. ~~District~~ Authorization Authorization to

3 establish and maintain vocational education courses and

4 programs. (1) The trustees of any an elementary or high

5 school district, community college district, or unit of the

6 Montana university system may establish and maintain a

7 vocational education course or program that complies with

8 the K-12 vocational education standards adopted by the

9 superintendent of public instruction. The trustees of a

10 community college district or a unit of the Montana

11 university system may establish and maintain a postsecondary

12 vocational-technical education course or program.

13 (2) In order for a course or program to be eligible

14 for state or federal financing, it shall be approved by:

15 (a) the superintendent of public instruction for

16 compliance with K-12 vocational education standards;

17 (b) the board of vocational-technical institutes for

18 compliance with postsecondary vocational-technical institute

19 standards; or

20 (c) the board of regents for courses and programs

21 offered by a unit of the Montana university system or by a

22 community college."

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

24 "20-7-311. ~~Postsecondary vocational technical center~~

25 Vocational-technical institute designation. (1)

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

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

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

1 public-instruction board of vocational-technical institutes  
 2 to the next following legislature.

3 (2) The ~~superintendent-of-public-instruction~~ board of  
 4 vocational-technical institutes shall recognize the  
 5 ~~presently---designated---postsecondary~~ vocational-technical  
 6 ~~centers-operated-by-the--respective--board--of--trustees--of~~  
 7 institutes designated prior to July 1, 1986 1987, in school  
 8 district number 1 of Silver Bow County, high school district  
 9 number 1 of Lewis and Clark County, high school district "A"  
 10 of Cascade County, Missoula County high school, and high  
 11 school district number 2 of Yellowstone County."

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

- 23 (a) ~~employ--from--among---qualified---applicants,---a~~  
 24 ~~postsecondary-vocational-technical-center-director;~~  
 25 (b) (a) employ administrative personnel, faculty

1 members, and employees for the postsecondary  
 2 vocational-technical center institute according to the  
 3 policies and procedures rules of the board of trustees  
 4 vocational-technical institutes;

5 {c}{b} recommend, develop, and submit budgets a  
 6 recommended budget for the postsecondary  
 7 vocational-technical centers institute;

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

9 {e}{d} recommend to the superintendent--of--public  
 10 instruction--through--the--state--director---of---vocational  
 11 education board of vocational-technical institutes;

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

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

18 {f}{e} manage buildings erected and equipped on leased  
 19 grounds at the vocational-technical institute;

20 {g}{f} receive and administer gifts and bequests to  
 21 the postsecondary vocational-technical center institute  
 22 according to a written plan submitted to the superintendent  
 23 of--public---instruction board of vocational-technical  
 24 institutes; and

25 {h}{g} perform any other administrative

1 responsibilities duties not inconsistent with law and  
 2 required by the superintendent-of-public-instruction board  
 3 of vocational-technical institutes.

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

10 Section 25. Section 20-7-314, MCA, is amended to read:

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

25 (2) The superintendent-of-public-instruction-is-hereby

1 ~~authorized to transfer or direct transfer of title held by~~  
 2 ~~the state of Montana in buildings or lands financed in whole~~  
 3 ~~or in part by an appropriation by the state legislature to a~~  
 4 ~~district operating a postsecondary vocational technical~~  
 5 ~~center, at any time the superintendent of public instruction~~  
 6 ~~deems such transfer to be in the best interests of both the~~  
 7 ~~state and the district involved, provided that this~~  
 8 ~~authorization extends only to buildings or lands which are~~  
 9 ~~to be used by the district for postsecondary~~  
 10 ~~vocational technical education purposes. The state of~~  
 11 Montana, acting through the board of postsecondary  
 12 vocational technical institutes and on request of a school  
 13 district, may lease or purchase the equity or interest of  
 14 the school district in any building, land, or other property  
 15 at a vocational technical institute on terms agreed to  
 16 between the board of vocational technical institutes and the  
 17 school district. A purchase may be by lump-sum payment, time  
 18 payments, the assumption of bonded indebtedness, or any  
 19 other mutually agreeable method. Money received by a school  
 20 district from the lease or sale under this subsection (2) of  
 21 the school district's equity or interest in a building,  
 22 land, or other property must be credited to the debt service  
 23 fund, building fund, general fund, or any combination of  
 24 these funds, at the discretion of the trustees of the school  
 25 district."

1 Section 26. Section 20-7-322, MCA, is amended to read:  
 2 "20-7-322. State treasurer custodian of vocational  
 3 education moneys money. (1) The treasurer of the state of  
 4 Montana is hereby designated as the custodian of all federal  
 5 and state moneys money designated, appropriated, or  
 6 apportioned for vocational education. All moneys money  
 7 received from any federal or state source for the  
 8 establishment, operation, or furtherance of vocational  
 9 education in the state shall be deposited with the state  
 10 treasurer. At the direction of the superintendent of public  
 11 instruction, he shall disburse all moneys ~~appropriated or~~  
 12 money received for K-12 vocational education. At the  
 13 direction of the board of regents, he shall disburse all  
 14 money received for postsecondary vocational technical  
 15 education.

16 (2) The state treasurer is the treasurer for all  
 17 postsecondary vocational technical centers institutes, and  
 18 all money received by postsecondary vocational technical  
 19 centers institutes from any source shall be deposited in the  
 20 state treasury pursuant to 17-6-105, unless the source of  
 21 the money specifies deposit somewhere other than in the  
 22 state treasury."

23 Section 27. Section 20-7-324, MCA, is amended to read:  
 24 "20-7-324. Sources of financing for postsecondary  
 25 vocational technical center institute budgets --



1 superintendent---of---public---instruction---administration  
 2 distribution of funds. (1) The total of the  
 3 vocational-technical institute budgets approved by the  
 4 superintendent---of---public---instruction board of  
 5 vocational-technical institutes, together with the budget  
 6 for the cost of state administration of the postsecondary  
 7 vocational-technical centers institutes, shall constitute  
 8 the total maximum approved statewide budget, which shall be  
 9 financed as follows:

10 (a) The primary source of financing is to be those  
 11 funds specifically designated by legislative enactment or  
 12 referendum by the people for financing postsecondary  
 13 vocational-technical education institutes in Montana.

14 {b}--The--board--of--county--commissioners--of--each--county  
 15 in--which--a--designated--postsecondary--vocational--technical  
 16 center--is--located--is--hereby--authorized--to--levy--a--tax--of--not  
 17 to--exceed--1-1/4--mills--for--calendar--year--1979--and--1-1/2--mills  
 18 thereafter--on--the--dollar--of--all--taxable--property,--real--and  
 19 personal,--within--the--county--for--the--support--and--maintenance  
 20 of--the--postsecondary--vocational--technical--center--located  
 21 within--the--county.

22 {c}{b} Designated postsecondary vocational-technical  
 23 centers institutes shall be eligible to receive such funds  
 24 from the federal government as the superintendent-of-public  
 25 instruction board of vocational-technical institutes may

1 provide pursuant to applicable acts of congress.

2 {d}--The--board--of--trustees--of--any--designated--high  
 3 school--district--or--county--high--school--district--where--a  
 4 postsecondary--vocational--technical--center--is--located--may--be  
 5 required,--as--a--condition--for--the--construction--in--that  
 6 district--of--a--postsecondary--vocational--technical--center,--or  
 7 any--part--thereof,--to--furnish--up--to--50%--of--the--amount--of  
 8 funds--required--for--any--such--construction. The percentage of  
 9 construction--funds--to--be--furnished--by--the--designated  
 10 district--shall--be--derived,--in--whole--or--in--part,--from--any--of  
 11 the--following--sources:

12 {i}--the--sale--of--bonds--issued--by--that--district--{such  
 13 bonds--shall--be--issued--in--conformity--with--the--requirements--of  
 14 chapter--9,--part--4,--of--this--title--in--the--case--of--high--school  
 15 and--county--high--school--district};

16 {ii}--any--other--funds--available--to--that--district--which  
 17 may--be--legally--and--properly--applied--toward--such  
 18 construction;

19 {iii}--the--reasonable--value--of--land,--buildings,  
 20 fixtures,--or--equipment--furnished--by--that--district,--subject  
 21 to--the--approval--of--the--superintendent--of--public--instruction;

22 (2) The superintendent-of-public-instruction board of  
 23 vocational-technical institutes shall direct the  
 24 distribution of the funds specified in subsections--{i}{a}  
 25 and--{i}{c} subsection (1) on the basis of the budgets

1 approved by the superintendent-of-public--instruction board  
 2 of vocational-technical institutes. The-funds-earned-by-the  
 3 mill-levy-specified-in-subsection-(1)(b)-shall--be--credited  
 4 by---the---county---treasurer---to---the---postsecondary  
 5 vocational-technical-center-fund.

6 (3)--The-superintendent--of--public--instruction--shall  
 7 determine--the-amount-of-financing-available-from-these-four  
 8 sources-of-revenue-and-may-approve-budgets--for--maintenance  
 9 and--operation,--construction,--and--ancillary-services.--The  
 10 aggregate--amount--of--the--budgets--so--approved---by---the  
 11 superintendent--of--public--instruction---for--postsecondary  
 12 vocational-technical-centers-shall--not--exceed--the--moneys  
 13 determined-to-be-available."

14 Section 28. Section 20-7-325, MCA, is amended to read:

15 "20-7-325. Postsecondary--vocational-technical--center  
 16 Vocational-technical institute funding -- nongeneral fund  
 17 money expended first -- reversion of general fund money. (1)  
 18 Whenever an approved postsecondary vocational-technical  
 19 center institute under the provisions of 20-7-311 is  
 20 operated within-a--district, the trustees-of-such-district  
 21 board of vocational-technical institutes shall request the  
 22 establishment of the appropriate accounts in the state  
 23 treasury. These accounts shall be established in the  
 24 appropriate state treasury funds as determined by the  
 25 department of administration. All money prescribed and

1 received under the provisions of 20-7-324 shall be credited  
 2 to these accounts. The expenditure of the money deposited in  
 3 the state treasury shall be made in accordance with  
 4 procedures established by the department of administration.  
 5 Such expenditures shall be made under the budget and for the  
 6 programs approved by the superintendent---of---public  
 7 instruction--under--the--provisions--of--20-7-323 board of  
 8 vocational-technical institutes and the financial  
 9 administration provisions of this title.

10 (2) A postsecondary vocational-technical center  
 11 institute shall apply expenditures against nongeneral fund  
 12 money wherever possible before using state general fund  
 13 appropriations. All state general fund money appropriated or  
 14 disbursed to a postsecondary vocational-technical center  
 15 institute which are unexpended at fiscal year end shall  
 16 revert to the state general fund.

17 (3)--The-----approval-----of-----the-----postsecondary  
 18 vocational-technical--center--budget-and-subsequent-revision  
 19 or-amendment-of-such-budget-by-the-superintendent-of--public  
 20 instruction-shall-constitute-the-final-budget-approval.

21 (4)--Whenever---the---county---tax---prescribed---in  
 22 20-7-324(1)(b)-is-to-be-used-in-support-of-the-postsecondary  
 23 vocational-technical-center, the--county--commissioners--are  
 24 authorized-to-levy-such-tax-on-the-county-in-accordance-with  
 25 the-provisions-of-20-9-142."

1 Section 29. Section 20-7-327, MCA, is amended to read:

2 "20-7-327. Source of financing for postsecondary  
3 vocational-technical center institute facility maintenance.  
4 The source of funds for maintenance, remodeling, and  
5 renovation of postsecondary vocational-technical center  
6 institute facilities may be either ~~local funds~~ federal funds  
7 or state funds specifically appropriated by the legislature  
8 and approved by the ~~superintendent--of--public--instruction~~  
9 board of vocational-technical institutes, or any combination  
10 of these funds."

11 Section 30. Section 20-7-332, MCA, is amended to read:

12 "20-7-332. Tuition rates. (1) Tuition may be charged  
13 to any resident or nonresident of the state of Montana by  
14 the ~~governing---board~~ director of any postsecondary  
15 vocational-technical center institute at rates to be  
16 determined by the ~~superintendent-of-public-instruction~~ board  
17 of vocational-technical institutes. The ~~superintendent-of~~  
18 public-instruction board of vocational-technical institutes  
19 shall also prescribe permissible uses for any tuition  
20 authorized.

21 (2) For the purposes of this section the eligibility  
22 of a student for resident status shall be determined in the  
23 same manner as that prescribed for use by the Montana  
24 university system, except that those provisions referring to  
25 "high school graduates" or "graduation from high school"

1 shall be considered to refer to a person who has attended  
2 school or who was in attendance at a school."

3 Section 31. Section 20-7-333, MCA, is amended to read:

4 "20-7-333. ~~Pupil~~ Student fees and disposition of  
5 collected fees. (1) Fees for the use of equipment and  
6 material used in instruction may be charged by the trustees  
7 ~~or other--governing--board~~ director of the postsecondary  
8 vocational-technical center institute. The ~~superintendent-of~~  
9 public--instruction board of vocational-technical institutes  
10 shall prescribe the basis bases and limitations for the  
11 charging of such fees.

12 (2) Fees collected by the postsecondary  
13 vocational-technical center institute shall be deposited  
14 with the state treasurer in the fund designated by the  
15 ~~superintendent----of----public----instruction~~ board of  
16 vocational-technical institutes for the receipt of such  
17 fees. The expenditure of the fees shall not be subject to  
18 budget limitations and shall be in addition to the program  
19 budgets approved by the ~~superintendent-of-public-instruction~~  
20 board of vocational-technical institutes."

21 Section 32. Section 20-9-403, MCA, is amended to read:

22 "20-9-403. Bond issues for certain purposes. (1) The  
23 trustees of a school district may issue and negotiate bonds  
24 on the credit of the school district for the purpose of:

25 (a) building, altering, repairing, buying, furnishing,

1 equipping, purchasing lands for, and/or obtaining a water  
2 supply for a school, teacherage, dormitory, gymnasium, other  
3 building, or combination of said buildings for school  
4 purposes, ~~including postsecondary vocational technical~~  
5 ~~centers in the school district;~~

6 (b) buying a school bus or buses;  
7 (c) providing the necessary money to redeem matured  
8 bonds, maturing bonds, or coupons appurtenant to bonds when  
9 there is not sufficient money to redeem them;

10 (d) providing the necessary money to redeem optional  
11 or redeemable bonds when it is for the best interest of the  
12 school district to issue refunding bonds; or

13 (e) funding a judgment against the district.

14 (2) Any money realized from the sale of any bonds  
15 issued on the credit of a high school district shall not be  
16 used for any of the above purposes in an elementary school  
17 district, and such money may be used for any of the above  
18 purposes for a junior high school but only to the extent  
19 that the 9th grade of the high school is served thereby."

20 Section 33. Section 20-9-513, MCA, is amended to read:

21 "20-9-513. ~~Postsecondary vocational technical center~~  
22 Vocational-technical institute and adult basic education  
23 programs account established. There is within the state  
24 special revenue fund a ~~postsecondary vocational-technical~~  
25 ~~center institute~~ and adult basic education account. Money is

1 paid into the account under 90-6-211. The state treasurer  
2 shall draw warrants payable from this account upon order of  
3 the superintendent of public instruction or the board of  
4 vocational-technical institutes up to the amount provided  
5 for each under 90-6-211 by the biennial budget passed by the  
6 legislature."

7 Section 34. Section 20-9-603, MCA, is amended to read:

8 "20-9-603. Acceptance and expenditure of federal  
9 moneys for state. (1) (a) The governor and the  
10 superintendent of public instruction are authorized on  
11 behalf of the state of Montana to request and accept such  
12 moneys as are now or will be made available under any act of  
13 congress of the United States or otherwise for purposes of  
14 public school building construction or for any other  
15 purposes of public schools and public education as permitted  
16 under the laws of the state of Montana and as authorized by  
17 the grants from the federal government. Such moneys shall be  
18 deposited by the governor and superintendent of public  
19 instruction in the state treasury and are appropriated and  
20 made available to the superintendent of public instruction.  
21 All such moneys shall be expended for the purpose of public  
22 school building construction or for any other purposes of  
23 public schools and public education as permitted under the  
24 laws of the state of Montana and as authorized by the grants  
25 from the federal government.

1        ~~(2)~~(b) The governor and superintendent of public  
 2 instruction are further authorized on behalf of the state of  
 3 Montana to accept moneys provided from federal sources for  
 4 the express purpose of distribution to nonpublic education.  
 5 Such moneys shall be deposited by the governor and  
 6 superintendent of public instruction in the state treasury  
 7 and are appropriated and made available to the  
 8 superintendent of public instruction. All such moneys shall  
 9 be distributed in the manner provided by the laws of the  
 10 state of Montana and as authorized or expressed by grants  
 11 from the federal government.

12        ~~(3)~~(c) All expenditures of moneys from federal sources  
 13 under this section subsection (1) shall be made under the  
 14 supervision and in the discretion of the superintendent of  
 15 public instruction. Any balance in the account in which such  
 16 moneys are maintained shall not lapse at any time but shall  
 17 be continuously available to the superintendent of public  
 18 instruction for expenditures consistent with this title and  
 19 acts of the federal government.

20        (2) (a) The governor and the board of regents are  
 21 authorized on behalf of the state of Montana to request and  
 22 accept such moneys as are now or will be made available  
 23 under any act of congress of the United States or otherwise  
 24 for purposes of postsecondary vocational-technical education  
 25 building construction or for any other purposes of

1        postsecondary vocational-technical education as permitted  
 2 under the laws of the state of Montana and as authorized by  
 3 the grants from the federal government. Such moneys shall be  
 4 deposited by the governor and the board of regents in the  
 5 state treasury and are appropriated and made available to  
 6 the board of vocational-technical institutes or the board of  
 7 regents. All such moneys shall be expended for the purpose  
 8 of postsecondary vocational-technical education building  
 9 construction or for any other purposes of postsecondary  
 10 vocational-technical education as permitted under the laws  
 11 of the state of Montana and as authorized by the grants from  
 12 the federal government.

13        (b) The governor and the board of regents are further  
 14 authorized on behalf of the state of Montana to accept  
 15 moneys provided from federal sources for the express purpose  
 16 of distribution to nonpublic postsecondary  
 17 vocational-technical education. Such moneys shall be  
 18 deposited by the governor and the board of regents in the  
 19 state treasury. All such moneys shall be distributed in the  
 20 manner provided by the laws of the state of Montana and as  
 21 authorized or expressed by grants from the federal  
 22 government.

23        (c) All expenditures of moneys from federal sources  
 24 under this subsection (2) shall be made under the  
 25 supervision and in the discretion of the board of regents.

1 Any balance in the account in which such moneys are  
 2 maintained shall not lapse at any time but shall be  
 3 continuously available to the board of regents for  
 4 expenditures consistent with this title and acts of the  
 5 federal government."

6 Section 35. Section 20-25-701, MCA, is amended to  
 7 read:

8 "20-25-701. Definitions and purpose. (1) As used in  
 9 this part, unless the context otherwise requires, the  
 10 following definitions apply:

11 (a) "Institution" means any public institution of  
 12 postsecondary education governed, supervised, or coordinated  
 13 by the board of regents of higher education or by the board  
 14 of vocational-technical institutes.

15 (b) "Student" means any Montana resident, as  
 16 established by the board of regents of higher education or  
 17 by the board of vocational-technical institutes, who has met  
 18 the qualifications for enrollment as a full-time student at  
 19 an institution or who is presently enrolled as a full-time  
 20 student in good standing, as determined by the institution.

21 (2) It is the purpose of this part to help ensure that  
 22 no resident of Montana be denied attendance at institutions  
 23 governed, supervised, or coordinated by the board of regents  
 24 of higher education or by the board of vocational-technical  
 25 institutes because of financial barriers and further to

1 provide low-cost supplemental assistance for all governing  
 2 units within Montana. The legislature intends that any  
 3 Montana resident wishing to gain admittance to such  
 4 institutions in Montana, within necessary budgetary  
 5 limitations as provided by law, shall be allowed the  
 6 opportunity to earn in part or in total sufficient money to  
 7 pay the costs accompanying such attendance through  
 8 employment by state and local governing units and certain  
 9 public interest organizations."

10 Section 36. Section 39-71-118, MCA, is amended to  
 11 read:

12 "39-71-118. Employee, worker, and workman defined. (1)  
 13 The terms "employee", "workman", or "worker" mean:

14 (a) each person in this state, including a contractor  
 15 other than an independent contractor, who is in the service  
 16 of an employer, as defined by 39-71-117, under any  
 17 appointment or contract of hire, expressed or implied, oral  
 18 or written. The terms include aliens and minors, whether  
 19 lawfully or unlawfully employed, and all of the elected and  
 20 appointed paid public officers and officers and members of  
 21 boards of directors of quasi-public or private corporations  
 22 while rendering actual service for such corporations for  
 23 pay. Casual employees as defined by 39-71-116(3) are  
 24 included as employees if they are not otherwise covered by  
 25 workers' compensation and if an employer has elected to be

1 bound by the provisions of the compensation law for these  
2 casual employments, as provided in 39-71-401(2). Household  
3 or domestic service is excluded.

4 (b) a recipient of general relief who is performing  
5 work for a county of this state under the provisions of  
6 53-3-302 through 53-3-305 and any juvenile performing work  
7 under authorization of a district court judge in a  
8 delinquency prevention or rehabilitation program;

9 (c) a person receiving on-the-job vocational  
10 rehabilitation training or other on-the-job training under a  
11 state or federal vocational training program, whether or not  
12 under an appointment or contract of hire with an employer as  
13 defined in this chapter and whether or not receiving payment  
14 from a third party. However, this subsection does not apply  
15 to students enrolled in vocational training programs as  
16 outlined above while they are on the premises of a public  
17 school or community college; or

18 (d) students enrolled and in attendance in programs of  
19 ~~vocational--technical~~ postsecondary vocational-technical  
20 ~~education approved-by-the-state-board-of-public-education at~~  
21 ~~designated postsecondary---vocational---technical--centers~~  
22 vocational-technical institutes.

23 (2) If the employer is a partnership or sole  
24 proprietorship, such employer may elect to include as an  
25 employee within the provisions of this chapter any member of

1 such partnership or the owner of the sole proprietorship  
2 devoting full time to the partnership or proprietorship  
3 business. In the event of such election, the employer must  
4 serve upon the employer's insurer written notice naming the  
5 partners or sole proprietor to be covered, and no partner or  
6 sole proprietor shall be deemed an employee within this  
7 chapter until such notice has been given. For premium  
8 ratemaking and for the determination of weekly wage for  
9 weekly compensation benefits, the insurance carrier shall  
10 assume a salary or wage of such electing employee to be not  
11 less than \$900 a month and not more than 1 1/2 times the  
12 average weekly wage as defined in this chapter."

13 Section 37. Section 90-6-211, MCA, is amended to read:

14 "90-6-211. Disposition of interest from unexpended  
15 balance. The unexpended balance in the local impact and  
16 education trust fund account shall be invested as provided  
17 by statute by the board of investments. Of the income from  
18 such investments each year 10% shall be paid into the state  
19 special revenue fund for use by the superintendent of public  
20 instruction for purposes of ~~the---postsecondary~~  
21 ~~vocational-technical--centers--and~~ adult basic education  
22 programs in the state, ~~subject-to-the-budgeting-authority-of~~  
23 ~~the---legislature~~ and for use by the board of  
24 vocational-technical institutes for vocational-technical  
25 institute programs in the state, as provided in the biennium

1 budget passed by the legislature. Within the account under  
 2 20-9-513, the revenue is shared between the postsecondary  
 3 vocational-technical centers institutes and the adult basic  
 4 education programs as provided in the biennium budget passed  
 5 by the legislature. Of the remaining 90% of the income from  
 6 such investments, three-fourths shall be annually paid into  
 7 the state special revenue fund for state equalization aid to  
 8 public schools of the state and one-fourth each year shall  
 9 be paid to the board of regents of higher education for use  
 10 by the institutions of higher learning in the state, subject  
 11 to the budgeting authority of the legislature. Except as  
 12 provided in 90-6-205(4), the principal of the local impact  
 13 and educational trust fund shall be dedicated to education  
 14 and forever remain inviolate and sacred to this purpose as  
 15 provided in sections 3 and 10 of Article X of the Montana  
 16 constitution."

17 NEW SECTION. Section 38. Repealer. Sections 20-7-323,  
 18 20-7-326, 20-9-404, and 20-9-405, MCA, are repealed.

19 NEW SECTION. Section 39. Initial appointment and  
 20 terms of members of board of vocational-technical  
 21 institutes. Initial appointments to the board of  
 22 vocational-technical institutes must be made within 30 days  
 23 after [the effective date of this section]. Two initial  
 24 appointees shall serve for 4 years, two shall serve for 5  
 25 years, two shall serve for 6 years, and one shall serve for

1 7 years.

2 NEW SECTION. Section 40. Extension of authority. Any  
 3 existing authority of the superintendent of public  
 4 instruction to make rules on the subject of the provisions  
 5 of this act is extended to the provisions of this act.

6 NEW SECTION. Section 41. Codification instruction.  
 7 Sections 2 through 5 are intended to be codified as an  
 8 integral part of Title 20, chapter 7, part 3, and the  
 9 provisions of Title 20 apply to sections 2 through 5.

10 NEW SECTION. Section 42. Code commissioner name  
 11 change. In all sections of the Montana Code Annotated not  
 12 contained in this act and in all provisions passed by the  
 13 49th legislature wherein reference is made to a  
 14 postsecondary vocational-technical center, the code  
 15 commissioner shall change the reference to  
 16 vocational-technical institute.

17 NEW SECTION. Section 43. Effective dates. (1)  
 18 Sections 1, 3, 4 through 6, 11 through 14, 39, and this  
 19 section are effective ~~on passage--and--approval~~ JANUARY 1,  
 20 1986.

21 (2) Sections 2, 7 through 10, 15 through 38, and 40  
 22 through 42 are effective July 1, ~~1986~~ 1987.

-End-