

SENATE BILL NO. 299

INTRODUCED BY RYAN

BY REQUEST OF THE DEPARTMENT OF BUSINESS REGULATION

IN THE SENATE

January 28, 1981	Introduced and referred to Committee on Business and Industry.
February 11, 1981	Committee recommend bill do pass. Report adopted.
February 12, 1981	Bill printed and placed on members' desks.
February 13, 1981	Second reading, do pass.
February 14, 1981	Correctly engrossed.
February 16, 1981	Third reading, passed. Ayes, 46; Noes, 0. Transmitted to House.

IN THE HOUSE

February 17, 1981	Introduced and referred to Committee on Business and Industry.
March 6, 1981	Committee recommend bill be concurred in. Report adopted.
March 9, 1981	Second reading, concurred in.
March 12, 1981	Third reading, concurred in. Ayes, 87; Noes, 6.

IN THE SENATE

March 13, 1981	Returned from House. Concurred in. Sent to enrolling.  Reported correctly enrolled.
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1 *State* BILL NO. *299*  
 2 INTRODUCED BY *Fyall*  
 3 BY REQUEST OF THE DEPARTMENT OF BUSINESS REGULATION  
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5 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE  
 6 CAPABILITY OF THE DEPARTMENT OF BUSINESS REGULATION TO  
 7 CONTROL THE OPERATION OF OUT-OF-STATE POSTSECONDARY  
 8 EDUCATIONAL INSTITUTIONS WITHIN THE STATE; AMENDING SECTIONS  
 9 20-30-101 AND 20-30-102, MCA."  
 10

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

12 Section 1. Section 20-30-101, MCA, is amended to read:

13 "20-30-101. Legislative purpose and definitions. (1)

14 It is the policy of this state to encourage and enable its  
 15 citizens to obtain and receive an education commensurate  
 16 with their abilities and desires. It is recognized that  
 17 **proprietary** institutions offering postsecondary educational,  
 18 vocational, and professional instruction perform a useful  
 19 and necessary service to the citizens of the state in  
 20 achieving this objective. It is found that certain  
 21 institutions have either by unscrupulous, unfair, and  
 22 deceptive practices or through substandard instruction  
 23 deprived the citizens of this state of educational  
 24 opportunity and subjected them to financial loss. The  
 25 actions of such institutions also reflect unfavorably upon

1 the reputable **proprietary** postsecondary institutions which  
 2 are in the great majority. Thus it is the purpose of this  
 3 chapter to provide for the protection, education, and  
 4 welfare of the citizens of this state.

5 (2) As used in this chapter, unless the context  
 6 clearly indicates otherwise, the following definitions  
 7 apply:

8 (a) "Advisory council" or "council" means the advisory  
 9 council created by 2-15-1804.

10 (b) "Agent" means any person owning any interest in,  
 11 employed by, or representing a postsecondary educational  
 12 institution in this or another state who, by solicitation in  
 13 any form made in this state, seeks to enroll or enrolls a  
 14 resident of this state in such postsecondary institution or  
 15 who offers to award educational credentials on behalf of  
 16 such institution for remuneration or who holds himself out  
 17 to the residents of this state as representing a  
 18 postsecondary institution for any such purpose.

19 (c) "Application" means either an application for the  
 20 initial issuance of a license or permit or for the renewal  
 21 of a license or permit.

22 (d) "Department" means the department of business  
 23 regulation.

24 (e) "Education or educational services" means a class,  
 25 course, or program of training, instruction, or study.

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1 (f) "Educational credential" means a degree, diploma,  
2 certificate, transcript, report, document, letters of  
3 designation, marks, appellations, series of letters,  
4 numbers, or words which signify, purport, or are generally  
5 taken to mean enrollment, attendance, progress, or  
6 satisfactory completion of the requirements or prerequisites  
7 for education through a postsecondary educational  
8 institution.

9 (g) "Grant" means sell, award, confer, bestow, or  
10 give.

11 (h) "Institution" means an academic, vocational,  
12 technical, home study, business, professional, or other  
13 school, college, or university or any person, association,  
14 or corporation offering educational credentials or  
15 educational services but does not include any institution  
16 established and maintained under the laws of this state  
17 ~~another state or the government of the United States at the~~  
18 ~~public expense.~~

19 (i) "License" means written approval issued by the  
20 department to operate or to contract to operate a  
21 postsecondary institution in this state.

22 (j) "Offer" means, in addition to its usual meaning,  
23 to advertise, publicize, solicit, or encourage any person,  
24 directly or indirectly, in any form, to perform the act  
25 described.

1 (k) "Operate" means to establish and maintain any  
2 facility in this state for the purpose described and  
3 includes a contract with any person, association, or  
4 corporation to establish and maintain such facility.

5 (l) "Permit" means written approval issued by the  
6 department to any person to act as an agent for a  
7 postsecondary educational institution.

8 (m) "Postsecondary education" means the education or  
9 educational services offered to persons who have completed  
10 or terminated their secondary education or who are beyond  
11 the age of compulsory school attendance, for the attainment  
12 of academic, professional, or vocational objectives."

13 Section 2. Section 20-30-102, MCA, is amended to read:  
14 "20-30-102. Exemptions. The following are exempt from  
15 the provisions of this chapter:

16 (1) ~~institutions any program or course of instruction~~  
17 ~~of an institution~~ accredited by a national or regional  
18 accrediting agency recognized by ~~either the board of public~~  
19 ~~education or~~ the board of regents of higher education and  
20 notification of such recognition having been given to the  
21 department by ~~either the~~ board;

22 (2) education sponsored by a trade, business,  
23 professional, or fraternal organization principally for the  
24 membership of the organization or offered without the  
25 payment of fees, unless such education is offered as leading

1 toward educational credentials;

2 (3) avocational or recreational education and  
3 institutions offering such education exclusively;

4 (4) education offered by charitable or religious  
5 institutions, organizations, or agencies unless such  
6 education is offered as leading toward educational  
7 credentials;

8 (5) institutions possessing a valid certificate issued  
9 by the federal aviation agency;

10 (6) schools of cosmetology possessing a valid  
11 certificate of registration issued under the provisions of  
12 Title 37, chapter 31.\*

-End-

SB 299

Approved by Committee  
on Business and Industry

1 Steve BILL NO. 299  
2 INTRODUCED BY Ryan  
3 BY REQUEST OF THE DEPARTMENT OF BUSINESS REGULATION  
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5 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE  
6 CAPABILITY OF THE DEPARTMENT OF BUSINESS REGULATION TO  
7 CONTROL THE OPERATION OF OUT-OF-STATE POSTSECONDARY  
8 EDUCATIONAL INSTITUTIONS WITHIN THE STATE; AMENDING SECTIONS  
9 20-30-101 AND 20-30-102, MCA."

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

12 Section 1. Section 20-30-101, MCA, is amended to read:

13 "20-30-101. Legislative purpose and definitions. (1)

14 It is the policy of this state to encourage and enable its  
15 citizens to obtain and receive an education commensurate  
16 with their abilities and desires. It is recognized that  
17 proprietary institutions offering postsecondary educational,  
18 vocational, and professional instruction perform a useful  
19 and necessary service to the citizens of the state in  
20 achieving this objective. It is found that certain  
21 institutions have either by unscrupulous, unfair, and  
22 deceptive practices or through substandard instruction  
23 deprived the citizens of this state of educational  
24 opportunity and subjected them to financial loss. The  
25 actions of such institutions also reflect unfavorably upon

1 the reputable proprietary postsecondary institutions which  
2 are in the great majority. Thus it is the purpose of this  
3 chapter to provide for the protection, education, and  
4 welfare of the citizens of this state.

5 (2) As used in this chapter, unless the context  
6 clearly indicates otherwise, the following definitions  
7 apply:

8 (a) "Advisory council" or "council" means the advisory  
9 council created by 2-15-1804.

10 (b) "Agent" means any person owning any interest in,  
11 employed by, or representing a postsecondary educational  
12 institution in this or another state who, by solicitation in  
13 any form made in this state, seeks to enroll or enrolls a  
14 resident of this state in such postsecondary institution or  
15 who offers to award educational credentials on behalf of  
16 such institution for remuneration or who holds himself out  
17 to the residents of this state as representing a  
18 postsecondary institution for any such purpose.

19 (c) "Application" means either an application for the  
20 initial issuance of a license or permit or for the renewal  
21 of a license or permit.

22 (d) "Department" means the department of business  
23 regulation.

24 (e) "Education or educational services" means a class,  
25 course, or program of training, instruction, or study.

1 (f) "Educational credential" means a degree, diploma,  
2 certificate, transcript, report, document, letters of  
3 designation, marks, appellations, series of letters,  
4 numbers, or words which signify, purport, or are generally  
5 taken to mean enrollment, attendance, progress, or  
6 satisfactory completion of the requirements or prerequisites  
7 for education through a postsecondary educational  
8 institution.

9 (g) "Grant" means sell, award, confer, bestow, or  
10 give.

11 (h) "Institution" means an academic, vocational,  
12 technical, home study, business, professional, or other  
13 school, college, or university or any person, association,  
14 or corporation offering educational credentials or  
15 educational services but does not include any institution  
16 established and maintained under the laws of this state,  
17 ~~another state, or the government of the United States at the~~  
18 ~~public expense.~~

19 (i) "License" means written approval issued by the  
20 department to operate or to contract to operate a  
21 postsecondary institution in this state.

22 (j) "Offer" means, in addition to its usual meaning,  
23 to advertise, publicize, solicit, or encourage any person,  
24 directly or indirectly, in any form, to perform the act  
25 described.

1 (k) "Operate" means to establish and maintain any  
2 facility in this state for the purpose described and  
3 includes a contract with any person, association, or  
4 corporation to establish and maintain such facility.

5 (l) "Permit" means written approval issued by the  
6 department to any person to act as an agent for a  
7 postsecondary educational institution.

8 (m) "Postsecondary education" means the education or  
9 educational services offered to persons who have completed  
10 or terminated their secondary education or who are beyond  
11 the age of compulsory school attendance, for the attainment  
12 of academic, professional, or vocational objectives."

13 Section 2. Section 20-30-102, MCA, is amended to read:  
14 "20-30-102. Exemptions. The following are exempt from  
15 the provisions of this chapter:

16 (1) ~~institutions any program or course of instruction~~  
17 ~~of an institution~~ accredited by a national or regional  
18 accrediting agency recognized by ~~either the board of public~~  
19 ~~education or~~ the board of regents of higher education and  
20 notification of such recognition having been given to the  
21 department by ~~either the~~ board;

22 (2) education sponsored by a trade, business,  
23 professional, or fraternal organization principally for the  
24 membership of the organization or offered without the  
25 payment of fees, unless such education is offered as leading

1 toward educational credentials;

2 (3) avocational or recreational education and  
3 institutions offering such education exclusively;

4 (4) education offered by charitable or religious  
5 institutions, organizations, or agencies unless such  
6 education is offered as leading toward educational  
7 credentials;

8 (5) institutions possessing a valid certificate issued  
9 by the federal aviation agency;

10 (6) schools of cosmetology possessing a valid  
11 certificate of registration issued under the provisions of  
12 Title 37, chapter 31."

-End-

Approved by Committee  
on Business and Industry

1 Spate BILL NO. 299  
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5 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE  
6 CAPABILITY OF THE DEPARTMENT OF BUSINESS REGULATION TO  
7 CONTROL THE OPERATION OF OUT-OF-STATE POSTSECONDARY  
8 EDUCATIONAL INSTITUTIONS WITHIN THE STATE; AMENDING SECTIONS  
9 20-30-101 AND 20-30-102, MCA."

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19 and necessary service to the citizens of the state in  
20 achieving this objective. It is found that certain  
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4 welfare of the citizens of this state.

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8 (a) "Advisory council" or "council" means the advisory  
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10 (b) "Agent" means any person owning any interest in,  
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12 institution in this or another state who, by solicitation in  
13 any form made in this state, seeks to enroll or enrolls a  
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16 such institution for remuneration or who holds himself out  
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18 postsecondary institution for any such purpose.

19 (c) "Application" means either an application for the  
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22 (d) "Department" means the department of business  
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24 (e) "Education or educational services" means a class,  
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1 (f) "Educational credential" means a degree, diploma,  
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10 or terminated their secondary education or who are beyond  
11 the age of compulsory school attendance, for the attainment  
12 of academic, professional, or vocational objectives."

13 Section 2. Section 20-30-102, MCA, is amended to read:  
14 "20-30-102. Exemptions. The following are exempt from  
15 the provisions of this chapter:

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8 (5) Institutions possessing a valid certificate issued  
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10 (6) schools of cosmetology possessing a valid  
11 certificate of registration issued under the provisions of  
12 Title 37, chapter 31."

-End-

1 State BILL NO. 299  
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 16 such institution for remuneration or who holds himself out  
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19 (c) "Application" means either an application for the  
 20 initial issuance of a license or permit or for the renewal  
 21 of a license or permit.

22 (d) "Department" means the department of business  
 23 regulation.

24 (e) "Education or educational services" means a class,  
 25 course, or program of training, instruction, or study.

1 (f) "Educational credential" means a degree, diploma,  
2 certificate, transcript, report, document, letters of  
3 designation, marks, appellations, series of letters,  
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5 taken to mean enrollment, attendance, progress, or  
6 satisfactory completion of the requirements or prerequisites  
7 for education through a postsecondary educational  
8 institution.

9 (g) "Grant" means sell, award, confer, bestow, or  
10 give.

11 (h) "Institution" means an academic, vocational,  
12 technical, home study, business, professional, or other  
13 school, college, or university or any person, association,  
14 or corporation offering educational credentials or  
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16 established and maintained under the laws of this state  
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19 (i) "License" means written approval issued by the  
20 department to operate or to contract to operate a  
21 postsecondary institution in this state.

22 (j) "Offer" means, in addition to its usual meaning,  
23 to advertise, publicize, solicit, or encourage any person,  
24 directly or indirectly, in any form, to perform the act  
25 described.

1 (k) "Operate" means to establish and maintain any  
2 facility in this state for the purpose described and  
3 includes a contract with any person, association, or  
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5 (l) "Permit" means written approval issued by the  
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8 (m) "Postsecondary education" means the education or  
9 educational services offered to persons who have completed  
10 or terminated their secondary education or who are beyond  
11 the age of compulsory school attendance, for the attainment  
12 of academic, professional, or vocational objectives."

13 Section 2. Section 20-30-102, MCA, is amended to read:

14 "20-30-102. Exemptions. The following are exempt from  
15 the provisions of this chapter:

16 (1) ~~institutions any program or course of instruction~~  
17 ~~of an institution~~ accredited by a national or regional  
18 accrediting agency recognized by ~~either the board of public~~  
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22 (2) education sponsored by a trade, business,  
23 professional, or fraternal organization principally for the  
24 membership of the organization or offered without the  
25 payment of fees, unless such education is offered as leading

- 1 toward educational credentials;
- 2 (3) avocational or recreational education and  
3 institutions offering such education exclusively;
- 4 (4) education offered by charitable or religious  
5 institutions, organizations, or agencies unless such  
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7 credentials;
- 8 (5) institutions possessing a valid certificate issued  
9 by the federal aviation agency;
- 10 (6) schools of cosmetology possessing a valid  
11 certificate of registration issued under the provisions of  
12 Title 37, chapter 31."

-End-

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3 BY REQUEST OF THE DEPARTMENT OF BUSINESS REGULATION

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25 course, or program of training, instruction, or study.

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9 (g) "Grant" means sell, award, confer, bestow, or  
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12 technical, home study, business, professional, or other  
13 school, college, or university or any person, association,  
14 or corporation offering educational credentials or  
15 educational services but does not include any institution  
16 established and maintained under the laws of this state  
17 ~~another-state-or-the-government-of-the-United-States-at-the~~  
18 ~~public-expense.~~

19 (i) "License" means written approval issued by the  
20 department to operate or to contract to operate a  
21 postsecondary institution in this state.

22 (j) "Offer" means, in addition to its usual meaning,  
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2 facility in this state for the purpose described and  
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13 Section 2. Section 20-30-102, MCA, is amended to read:  
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17 ~~of an institution~~ accredited by a national or regional  
18 accrediting agency recognized by ~~either-the-board-of-public~~  
19 ~~education--or~~ the board of regents of higher education and  
20 notification of such recognition having been given to the  
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2 (3) avocational or recreational education and  
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11 certificate of registration issued under the provisions of  
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