# HOUSE BILL NO. 80

# INTRODUCED BY WALDRON, LORY

# BY REQUEST OF THE COMMISSIONER OF HIGHER EDUCATION

IN THE HOUSE

January	7, 1	1985		Introduced and referred to Committee on Education and Cultural Resources.
January	17,	1985		Committee recommend bill do pass as amended. Report adopted.
				Bill printed and placed on members' desks.
January	19,	1985		Second reading, do pass.
				Considered correctly engrossed.
January	21,	1985		Third reading, passed. Transmitted to Senate.
			IN TH	IE SENATE
January	22,	1985		Introduced and referred to Committee on Education and Cultural Resources.
January	29,	1985		Committee recommend bill be concurred in. Report adopted.
January	30,	1985		Second reading, concurred in.
February	, 1,	1985		Third reading, concurred in. Ayes, 49; Noes, 0.
				Returned to House.
			IN TH	HE HOUSE
February	4,	1985		Received from Senate.
				Sent to enrolling.
				Reported correctly enrolled.

LC 0557/01

HOUSE BILL NO. 80	
INTRODUCED BY WALDRON, LORY	
BY REQUEST OF THE COMMISSIONER OF HIGHER EDUCATION	
A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY CLARIFY	
CERTAIN LAWS RELATING TO HIGHER EDUCATION AND THE BOARD OF	
PUBLIC EDUCATION BY MAKING THE EXISTENCE OF THE COMMISSION	
ON FEDERAL HIGHER EDUCATION PROGRAMS DISCRETIONARY, BY	
ELIMINATING THE RESIDENT STUDENT FINANCIAL ASSISTANCE	
PROGRAM ADVISORY COUNCIL, BY CLARIFYING THE MEETING	1
REQUIREMENTS FOR THE BOARD OF PUBLIC EDUCATION AND THE BOARD	1
OF REGENTS, BY CHANGING A REFERENCE TO PROFESSIONAL	1
ASSISTANT TO EXECUTIVE SECRETARY, BY CLARIFYING POWERS OF	1
THE BOARD OF REGENTS, BY CHANGING THE REPORTING DATE FOR	נ
CERTAIN REPORTS RELATING TO FEDERAL FUNDS, AND BY REPEALING	1
A LAW RELATING TO ENDOWED CHAIRS AT STATE INSTITUTIONS;	1
AMENDING SECTIONS 2-15-1515, 20-2-101, 20-2-111, 20-2-112,	1
20-25-301, 20-25-424, AND 20-26-103, MCA; REPEALING SECTIONS	1
2-15-1517 AND 20-25-105, MCA; AND PROVIDING AN IMMEDIATE	I
EFFECTIVE DATE."	:
	:
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	:
Section 1. Section 2-15-1515, MCA, is amended to read:	:
the second devices on federal higher education	

24 "2-15-1515. Commission on federal higher education
 25 programs. (1) There is a commission on federal higher

L Montana Legislative Council

1	education programs that may be called into existence by the
2	board of regents of higher education from time to time as
3	the need arises. Whenever the commission is called into
4	existence, the board shall request the governor to appoint
5	members pursuant to subsection (2)(b).
6	(2) The commission consists of:
7	(a) ex officio, the appointed members of the board of
8	regents of higher education; and
9	(b) a representative of each accredited private
10	college or university in this state appointed by the
11	governor from the board of trustees of each private college
12	or university upon the request of the board of regents of
13	higher education. Membershiponthecommissionbythese
14	representatives-is-contingent-upon-their-continued-status-as
15	trustees.
16	(3) The nonexofficio commission members appointed
17	pursuant to subsection (2)(b) shall serve for termsas
18	providedin2-15-124(2). the period of existence of the
19	commission; however, such period of service may not exceed 4
20	years and is contingent upon continued status as a trustee.
21	If a vacancy occurs in a position held by an individual
22	appointed pursuant to subsection (2)(b), the governor shall
23	appoint a replacement.
24	(4) The chairman of the board of regents of higher

25 education is chairman of the commission.

-2- INTRODUCED BILL **HB 80** 

## LC 0557/01

(5) The commissioner of higher education is the
 administrative officer of the commission.

3 (6) The commission is allocated to the board of
4 regents of higher education for administrative purposes only
5 as provided in 2-15-121.

6 (7) The commission members are entitled to
7 compensation as provided in 2-15-124(7).

8 (8) The board of regents of higher education may
 9 terminate the commission from time to time when there is no
 10 need for its existence."

11 Section 2. Section 20-2-101, MCA, is amended to read: "20-2-101. Combined boards as state board -- budget 12 13 review -- officers -- meetings -- guorum. (1) The board of public education and the board of regents meeting together 14 as the state board of education shall be responsible for 15 long-range planning and for coordinating and evaluating 16 policies and programs for the public educational systems of 17 the state. The state board of education shall review and 18 19 unify the budget requests of educational entities assigned by law to the board of public education, the board of 20 regents, or the state board of education and shall submit a 21 unified budget request with recommendations to the 22 23 appropriate state agency.

24 (2) The governor is the president of, the25 superintendent of public instruction is the secretary to,

and the commissioner shall be a nonvoting participant at all
 meetings of the state board of education.

3 (3) The state board of education may select a member4 to chair its meetings in the absence of the governor.

5 (4) A tie vote at any meeting may be broken by the6 governor.

7 (5) A majority of members appointed to the board of 8 public education and the board of regents shall constitute a 9 quorum for transaction of business as the state board of 10 education.

11 (6) The board of public education and the board of 12 regents shall meet at least twice yearly as the state board 13 of education on--any--two--of--the--dates--specified--in 14 20-2-112(1).

15 (7) Other meetings of the state board of education may 16 be called by the governor, by both the secretary to the 17 board of public education and the secretary to the board of 18 regents, or by joint action of eight appointed members, four 19 each from the board of public education and the board of regents. All meetings of the state board of education shall 20 21 be for the purposes set forth in subsection (1) above or for 22 the purpose of considering other matters of common concern 23 to the board of public education and the board of regents, 24 but the state board of education may not exercise the powers 25 and duties assigned by the 1972 Montana constitution and by

-3-

1 law to the board of public education and the board of
2 regents."

3 Section 3. Section 20-2-111, MCA, is amended to read:
4 "20-2-111. Officers of boards -- quorum. (1) The board
5 of public education and the board of regents may each select
6 a chairman from among their appointed members.

7 (2) The professional--assistant executive secretary
8 shall serve as secretary to the board of public education,
9 and the commissioner of higher education serves as secretary
10 to the board of regents.

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

13 (4) The professional--assistant executive secretary
14 shall serve as a liaison between the board of public
15 education and the superintendent of public instruction and
16 shall carry out other such duties as assigned by the board
17 of public education."

18 Section 4. Section 20-2-112, MCA, is amended to read: 19 "20-2-112. Quarterly meetings of boards -- called 20 meetings -- notice of meetings. (1) The board of public 21 education and the board of regents shall meet <u>at least</u> 22 quarterly at-the-same--location--on--the--second--Monday--of 23 April-duly-September-and-Becember.

(2) Other meetings of either board may be called bythe governor, by the chairman, by the secretary, or by four

1 appointed members.

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

5 Section 5. Section 20-25-301, MCA, is amended to read:

6 "20-25-301. Regents' powers and duties. The board of 7 regents of higher education shall serve as regents of the 8 Montana university system, shall use and adopt this style in

9 all its dealings therewith, and shall:

10 (1) have general control and supervision of the units
11 of the Montana university system, which shall be considered
12 for all purposes one university;

13 (2) adopt rules, not inconsistent with the
14 constitution and the laws of the state, for its own
15 government which are proper and necessary for the execution
16 of the powers and duties conferred upon it by law;

17 (3) provide, subject to the laws of the state, rules18 for the government of the system;

(4) grant diplomas and degrees to the graduates of the
system upon the recommendation of the faculties and have
discretion to confer honorary degrees upon persons other
than graduates upon the recommendation of the faculty of
such institutions;

24 (5) adopt and use an official seal in the25 authentication of its acts;

LC 0557/01

-5-

### LC 0557/01

LC 0557/01

(6) keep a record of its proceedings;

2 (7) have, when not otherwise provided by law, control
3 of all books, records, buildings, grounds, and other
4 property of the system;

5 (8) receive from the board of land commissioners, 6 other boards, persons, or from the government of the United 7 States all funds, incomes, and other property the system may 8 be entitled to and use and appropriate the property for the 9 specific purpose of the grant or donation;

10 (9) have general control of all receipts and 11 disbursements of the system;

(10) appoint a president and faculty for each of the 12 institutions of the system, appoint any other necessary 13 14 officers, agents, and employees, and fix their compensation; (11)-appoint--an-executive-secretary-of-the-system;-who 15 16 shall-not-be-a-unit-presidenty-fix-his-term--of+-office--and 17 salary7--and--generally--prescribe-his-duties--The-executive 18 secretary-is-not-a-member-of-the-board7-but-he--shall--serve as-the-secretary-for-the-regents-19

20 (12)-appoint--every-2-years-a-budget-committee-composed 21 of-four-members-selected-from-the-appointive-members-of--the 22 regents--which-shall-review-the-budget-requests-presented-by 23 the-units-of-the-system-and-transmit-such-requests--and--its 24 recommendations-to-the-regents7

25 (13)(11) confer upon the executive board of each of the

units of the system such authority as may be deemed
 expedient relating to immediate control and management,
 other than authority relating to financial matters or the
 selection of the teachers, employees, and faculty;

5 (14)(12) confer, at the regents' discretion, upon the 6 president and faculty of each of the units of the system for 7 the best interest of the unit such authority relating to the 8 immediate control and management, other than financial, and 9 the selection of teachers and employees;

10 (15)(13) prevent unnecessary duplication of courses at 11 the units of the system;

12 (16)-investigate--the-needs-of-the-units-by-each-member

13 of-the-regents-visiting-each-unit-at-least-once--each--year;

ti7;(14) appoint a certified professional geologist or 14 registered mining engineer as the director of the Montana 15 state bureau of mines and geology, who shall be designated 16 17 the state geologist, and appoint any other necessary assistants and employees and fix their compensation. The 18 regents shall prepare a report to each regular session of 19 the legislature showing the progress and condition of the 20 other necessary or required bureau, including any 21 22 information.

23 (18)(15) supervise and control the agricultural
24 experiment station, along with any executive or subordinate
25 board or authority which may be appointed by the governor ----

-7-

### LC 0557/01

1	with the advice and consent of the regents $t_{\pm}$
2	<del>{19}-adoptasealbearingonitsfacethewords</del>
3	"Montanauniversitysystem"7whichshallremainin-the
4	custody-oftheexecutivesecretaryandwhichshallbe
5	affixedtoall-diplomas-and-all-other-papers7-instruments;
6	or-documents-which-may-require-it;"
7	Section 6. Section 20-25-424, MCA, is amended to read:
8	"20-25-424. Receipt of funds. (1) The treasurer of
9	Montana state university may receive the cash appropriation
10	received from the United States by authority of the act of
11	congress of August 30, 1890, known as the second Morrill Act
12	and the act of congress of March 4, 1907, known as the
13	Nelson Amendment, to be expended by the executive board
14	under the general supervision of the regents only for the
15	purpose for which it was appropriated by congress.
16	(2) On or before September December 1 of each year,
17	the state university shall make detailed reports of the

18 amounts received and disbursed under the provisions of the 19 acts of congress of August 30, 1890, March 16, 1906, and 20 March 4, 1907, to the secretaries of agriculture and 21 interior of the United States, as required by the acts of 22 congress."

23 Section 7. Section 20-26-103, MCA, is amended to read:
24 "20-26-103. Definitions. As used in parts 1 and 2, the
25 following definitions apply:

(1) "Resident student" means a person who was a
 resident of Montana prior to enrolling and who is attending
 a qualified postsecondary institution within Montana.
 (2) "Postsecondary institution" includes the units of
 the university system and any postsecondary institution

6 accredited or licensed under chapter 30 of this title.

7 (3) "Program advisory council" means the resident

- 8 student-financial-assistance-program guaranteed student loan
- 9 advisory council created by 2-15-1517 2-15-1520."
- 10 NEW SECTION. Section 8. Repealer. Sections 2-15-1517
- 11 and 20-25-105, MCA, are repealed.
- 12 NEW SECTION. Section 9. Effective date. This act is
- 13 effective on passage and approval.

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LC 0557/01

## 49th Legislature

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## HB 0080/02

APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

1	HOUSE BILL NO. 80	1	education programs that may be called into existence by the
2	INTRODUCED BY WALDRON, LORY	2	board of regents of higher education from time to time as
3	BY REQUEST OF THE COMMISSIONER OF HIGHER EDUCATION	3	the need arises. Whenever the commission is called into
4		4	existence, the board shall request the governor to appoint
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY CLARIFY	5	members pursuant to subsection (2)(b).
6	CERTAIN LAWS RELATING TO HIGHER EDUCATION AND THE BOARD OF	6	(2) The commission consists of:
7	PUBLIC EDUCATION BY MAKING THE EXISTENCE OF THE COMMISSION	7	(a) ex officio, the appointed members of the board of
8	ON FEDERAL HIGHER EDUCATION PROGRAMS DISCRETIONARY, BY	8	regents of higher education; and
y	ELIMINATING THE RESIDENT STUDENT FINANCIAL ASSISTANCE	9	(b) a representative of each accredited private
10	PROGRAM ADVISORY COUNCIL, BY CLARIFYING THE MEETING	10	college or university in this state appointed by the
11	REQUIREMENTS FOR THE BOARD OF PUBLIC EDUCATION AND THE BOARD	11	governor from the board of trustees of each private college
12	OF REGENTS, BY CHANGING A REFERENCE TO PROFESSIONAL	12	or university upon the request of the board of regents of
13	ASSISTANT TO EXECUTIVE SECRETARY, BY CLARIFYING POWERS OF	13	higher education. Membershiponthecommissionbythese
14	THE BOARD OF REGENTS, BY CHANGING THE REPORTING DATE FOR	14	representatives-is-contingent-upon-their-continued-status-as
15	CERTAIN REPORTS RELATING TO FEDERAL FUNDS, AND BY REPEALING	15	trustees.
16	A LAW RELATING TO ENDOWED CHAIRS AT STATE INSTITUTIONS;	16	(3) The non-exofficio commission members appointed
17	AMENDING SECTIONS 2-15-1515, 20-2-101, 20-2-111, 20-2-112,	17	pursuant to subsection (2)(b) shall serve for termsas
18	20-25-301, 20-25-424, AND 20-26-103, MCA; REPEALING SECTIONS	18	providedin2-15-124(2); the period of existence of the
19	2-15-1517 AND 20-25-105, MCA; AND PROVIDING AN IMMEDIATE	19	commission; however, such period of service may not exceed 4
20	EFFECTIVE DATE."	20	years and is contingent upon continued status as a trustee.
21		21	If a vacancy occurs in a position held by an individual
22	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	22	appointed pursuant to subsection (2)(b), the governor shall
23	Section 1. Section 2-15-1515, MCA, is amended to read:	23	appoint a replacement.
24	"2-15-1515. Commission on federal higher education	24	(4) The chairman of the board of regents of higher

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education is chairman of the commission.

Montana Legislative Council

programs. (1) There is a commission on federal higher

-2- HB 80 SECOND READING

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(5) The commissioner of higher education is the 1 administrative officer of the commission. 2

(6) The commission is allocated to the board of 3 regents of higher education for administrative purposes only Δ as provided in 2-15-121. 5

(7) The commission members are entitled to 6 compensation as provided in 2-15-124(7). 7

(8) The board of regents of higher education may 8 terminate the commission from time to time when there is no 9 need for its existence." 10

Section 2. Section 20-2-101, MCA, is amended to read: 11 "20-2-101. Combined boards as state board -- budget 12 review -- officers -- meetings -- quorum. (1) The board of 13 public education and the board of regents meeting together 14 as the state board of education shall be responsible for 15 long-range planning and for coordinating and evaluating 16 policies and programs for the public educational systems of 17 the state. The state board of education shall review and 18 unify the budget requests of educational entity. assigned 19 by law to the board of public education, the board of 20 regents, or the state board of education and shall submit a 21 unified budget request with recommendations to the 22 appropriate state agency. 23

(2) The governor is the president of, the 24 superintendent of public instruction is the secretary to, 25

- 3 -

and the commissioner shall be a nonvoting participant at all 1 meetings of the state board of education.

3 (3) The state board of education may select a member 4 to chair its meetings in the absence of the governor.

5 (4) A tie vote at any meeting may be broken by the 6 governor.

7 (5) A majority of members appointed to the board of 8 public education and the board of regents shall constitute a 9 quorum for transaction of business as the state board of 10 education.

11 (6) The board of public education and the board of 12 regents shall meet at least twice yearly as the state board 13 of education on--any--two--of--the--dates--specified--in 14 20-2-112(1).

15 (7) Other meetings of the state board of education may be called by the governor, by both the secretary to the 16 board of public education and the secretary to the board of 17 18 regents, or by joint action of eight appointed members, four 19 each from the board of public education and the board of 20 regents. All meetings of the state board of education shall be for the purposes set forth in subsection (1) above or for 21 22 the purpose of considering other matters of common concern to the board of public education and the board of regents, 23 24 but the state board of education may not exercise the powers 25 and duties assigned by the 1972 Montana constitution and by

-4-

HB 80

1 law to the board of public education and the board of 2 regents."

3 Section 3. Section 20-2-111, MCA, is amended to read:
4 "20-2-111. Officers of boards -- quorum. (1) The board
5 of public education and the board of regents may each select
6 a chairman from among their appointed members.

7 (2) The professional--assistant <u>executive secretary</u>
8 shall serve as secretary to the board of public education,
9 and the commissioner of higher education serves as secretary
10 to the board of regents.

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

13 (4) The professional--assistant executive secretary 14 shall serve as a liaison between the board of public 15 education and the superintendent of public instruction and 16 shall carry out other such duties as assigned by the board 17 of public education."

18 Section 4. Section 20-2-112, MCA, is amended to read: 19 "20-2-112. Quarterly meetings of boards -- called 20 meetings -- notice of meetings. (1) The board of public 21 education and the board of regents shall meet at least 22 quarterly at-the-same--tocation--on--the--second--Monday--of 23 April-July-September-and-December.

(2) Other meetings of either board may be called by
 the governor, by the chairman, by the secretary, or by four

1 appointed members.

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

Section 5. Section 20-25-301, MCA, is amended to read:

6 "20-25-301. Regents' powers and duties. The board of regents of higher education shall serve as regents of the 7 8 Montana university system, shall use and adopt this style in 9 all its dealings therewith, and shall: (1) have general control and supervision of the units 10 11 of the Montana university system, which shall be considered 12 for all purposes one university; inconsistent with the 13 rules. (2) adopt not

14 constitution and the laws of the state, for its own 15 government which are proper and necessary for the execution 16 of the powers and duties conferred upon it by law;

17 (3) provide, subject to the laws of the state, rules18 for the government of the system;

19 (4) grant diplomas and degrees to the graduates of the 20 system upon the recommendation of the faculties and have 21 discretion to confer honorary degrees upon persons other 22 than graduates upon the recommendation of the faculty of 23 such institutions;

24 (5)--adopt--and---use---an---official---seal---in---the 25 authentication-of-its-acts;

-6-

-5-

HB 80

HB 80

f6+(5) keep a record of its proceedings;

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+7+(6) have, when not otherwise provided by law, 2 control of all books, records, buildings, grounds, and other 3 property of the system; 4

+8+(7) receive from the board of land commissioners, 5 other boards, persons, or from the government of the United 6 States all funds, incomes, and other property the system may 7 8 be entitled to and use and appropriate the property for the 9 specific purpose of the grant or donation;

(9)(8) have general control of all receipts and 10 disbursements of the system; 11

**+10+(9)** appoint a president and faculty for each of 12 the institutions of the system, appoint any other necessary 13 14 officers, agents, and employees, and fix their compensation; 15 (11)-appoint-an-executive-secretary-of-the-system7--who shall--not--be--a-unit-president7-fix-his-term-of-office-and 16 17 salary7-and-generally-prescribe-his--duties---The--executive secretary--is--not-a-member-of-the-boardy-but-he-shall-serve 18 as-the-secretary-for-the-regents-

+121-appoint-every-2-years-a-budget-committee--composed 20 21 of--four-members-selected-from-the-appointive-members-of-the 22 regents-which-shall-review-the-budget-reguests-presented--by the--unita--of-the-system-and-transmit-such-requests-and-its 23 recommendations-to-the-regents; 24

25 (13)(11) confer upon the executive board of each of

-7-

1 the units of the system such authority as may be deemed 2 expedient relating to immediate control and management, 3 other than authority relating to financial matters or the selection of the teachers, employees, and faculty: 4

5 ti4;ti2;(11) confer, at the regents' discretion, upon 6 the president and faculty of each of the units of the system 7 for the best interest of the unit such authority relating to 8 the immediate control and management, other than financial, 9 and the selection of teachers and employees:

10 (15)(12) prevent unnecessary duplication of courses 11 at the units of the system;

12 f167-investigate--the-needs-of-the-units-by-each-member 13 of-the-regents-visiting-each-unit-at-least-once--each--year; 14 (17)(14)(13) appoint a certified professional geologist 15 or registered mining engineer as the director of the Montana 16 state bureau of mines and geology, who shall be designated 17 the state geologist, and appoint any other necessary 18 assistants and employees and fix their compensation. The 19 regents shall prepare a report to each regular session of the legislature showing the progress and condition of the 20 21 bureau, including any other necessary or required 22 information.

23 24 experiment station, along with any executive or subordinate 25 board or authority which may be appointed by the governor

-8-

HB 80

1 with the advice and consent of the regents;;

2 (19)-adopt-a--seal-bearing-on-its-face-the-words
3 "Montana-university-system"7-which-shall-remain-in-the
4 custody-of-the-executive-secretary-and-which-shall-be
5 affixed-to-all-diplomas-and-all-other-papers7-instruments7
6 or-documents-which-may-require-itt

7 (15) ADOPT A SEAL BEARING ON ITS FACE THE WORDS
8 "MONTANA UNIVERSITY SYSTEM", WHICH MUST BE AFFIXED TO ALL
9 DIPLOMAS AND ALL OTHER PAPERS, INSTRUMENTS, OR DOCUMENTS
10 WHICH MAY REQUIRE IT."

11 Section 6. Section 20-25-424, MCA, is amended to read: 12 \*20-25-424. Receipt of funds. (1) The treasurer of Montana state university may receive the cash appropriation 13 received from the United States by authority of the act of 14 15 congress of August 30, 1890, known as the second Morrill Act 16 and the act of congress of March 4, 1907, known as the 17 Nelson Amendment, to be expended by the executive board under the general supervision of the regents only for the 18 purpose for which it was appropriated by congress. 19

20 (2) On or before September December 1 of each year, 21 the state university shall make detailed reports of the 22 amounts received and disbursed under the provisions of the 23 acts of congress of August 30, 1890, March 16, 1906, and 24 March 4, 1907, to the secretaries of agriculture and 25 interior of the United States, as required by the acts of

-9-

1 congress."

Section 7. Section 20-26-103, MCA, is amended to read:
"20-26-103. Definitions. As used in parts 1 and 2, the
following definitions apply:

5 (1) "Resident student" means a person who was a
6 resident of Montana prior to enrolling and who is attending
7 a qualified postsecondary institution within Montana.

8 (2) "Postsecondary institution" includes the units of
9 the university system and any postsecondary institution
10 accredited or licensed under chapter 30 of this title.

11 (3) "Program advisory council" means the resident

12 student-financial-assistance-program guaranteed student loan

13 advisory council created by 2-15-1517 2-15-1520."

14 <u>NEW SECTION.</u> Section 8. Repealer. Sections 2-15-1517 15 and 20-25-105, MCA, are repealed.

16 <u>NEW SECTION.</u> Section 9. Effective date. This act is

17 effective on passage and approval.

-End-

-10-

#### 49th Legislature

HB 0080/02

HOUSE BILL NO. 80 1 INTRODUCED BY WALDRON, LORY 2 BY REQUEST OF THE COMMISSIONER OF HIGHER EDUCATION 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY CLARIFY 5 CERTAIN LAWS RELATING TO HIGHER EDUCATION AND THE BOARD OF 6 PUBLIC EDUCATION BY MAKING THE EXISTENCE OF THE COMMISSION 7 ON FEDERAL HIGHER EDUCATION PROGRAMS DISCRETIONARY, BY 8 ELIMINATING THE RESIDENT STUDENT FINANCIAL ASSISTANCE 9 BY CLARIFYING THE MEETING PROGRAM ADVISORY COUNCIL, 10 REQUIREMENTS FOR THE BOARD OF PUBLIC EDUCATION AND THE BOARD 11 OF REGENTS, BY CHANGING A REFERENCE TO PROFESSIONAL 12 ASSISTANT TO EXECUTIVE SECRETARY, BY CLARIFYING POWERS OF 13 THE BOARD OF REGENTS, BY CHANGING THE REPORTING DATE FOR 14 CERTAIN REPORTS RELATING TO FEDERAL FUNDS, AND BY REPEALING 15 A LAW RELATING TO ENDOWED CHAIRS AT STATE INSTITUTIONS; 16 AMENDING SECTIONS 2-15-1515, 20-2-101, 20-2-111, 20-2-112, 17 20-25-301, 20-25-424, AND 20-26-103, MCA; REPEALING SECTIONS 18 2-15-1517 AND 20-25-105, MCA; AND PROVIDING AN IMMEDIATE 19 EFFECTIVE DATE." 20 21

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
Section 1. Section 2-15-1515, MCA, is amended to read:
"2-15-1515. Commission on federal higher education
programs. (1) There is a commission on federal higher

HB 0080/02

HB 80

1	education programs that may be called into existence by the
2	board of regents of higher education from time to time as
3	the need arises. Whenever the commission is called into
4	existence, the board shall request the governor to appoint
5	members pursuant to subsection (2)(b).
6	(2) The commission consists of:
7	(a) ex officio, the appointed members of the board of
8	regents of higher education; and
9	(b) a representative of each accredited private
10	college or university in this state appointed by the
11	governor from the board of trustees of each private college
12	or university upon the request of the board of regents of
13	higher education. Membershiponthecommissionbythese
13 14	higher education. Membershiponthecommissionbythese representatives-is-contingent-upon-their-continued-status-as
14	representatives-is-contingent-upon-their-continued-status-as
14 15	representatives-is-contingent-upon-their-continued-status-as trustees:
14 15 16	representatives-is-contingent-upon-their-continued-status-as trustees: (3) The nonexofficio <u>commission</u> members <u>appointed</u>
14 15 16 17	representatives-is-contingent-upon-their-continued-status-as trustees: (3) The nonexofficio <u>commission</u> members <u>appointed</u> <u>pursuant to subsection (2)(b)</u> shall serve for termsas
14 15 16 17 18	representatives-is-contingent-upon-their-continued-status-as trustees: (3) The nonexofficio commission members appointed pursuant to subsection (2)(b) shall serve for termsas providedin2-15-124(2): the period of existence of the
14 15 16 17 18 19	representatives-is-contingent-upon-their-continued-status-as trustees: (3) The nonexofficio <u>commission</u> members <u>appointed</u> <u>pursuant to subsection (2)(b)</u> shall serve for termsas <u>providedin2-15-124(2)</u> : <u>the period of existence of the</u> <u>commission</u> ; however, such period of service may not exceed 4
14 15 16 17 18 19 20	representatives-is-contingent-upon-their-continued-status-as trustees: (3) The nonexofficio commission members appointed pursuant to subsection (2)(b) shall serve for termsas providedin2-15-124(2): the period of existence of the commission; however, such period of service may not exceed 4 years and is contingent upon continued status as a trustee.
14 15 16 17 18 19 20 21	representatives-is-contingent-upon-their-continued-status-as trustees: (3) The nonexofficio commission members appointed pursuant to subsection (2)(b) shall serve for termsas providedin2-15-124(2): the period of existence of the commission; however, such period of service may not exceed 4 years and is contingent upon continued status as a trustee. If a vacancy occurs in a position held by an individual
14 15 16 17 18 19 20 21 22	representatives-is-contingent-upon-their-continued-status-as trustees: (3) The nonexofficio <u>commission</u> members <u>appointed</u> <u>pursuant to subsection (2)(b)</u> shall serve for termsas <u>providedin2-15-124(2)</u> : <u>the period of existence of the</u> <u>commission; however, such period of service may not exceed 4</u> <u>years and is contingent upon continued status as a trustee.</u> <u>If a vacancy occurs in a position held by an individual</u> <u>appointed pursuant to subsection (2)(b), the governor shall</u>

- 2 -

THIRD READING

Montana Legislative Council

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1 (5) The commissioner of higher education is the 2 administrative officer of the commission.

3 (6) The commission is allocated to the board of
4 regents of higher education for administrative purposes only
5 as provided in 2-15-121.

6 (7) The commission members are entitled to 7 compensation as provided in 2-15-124(7).

8 (8) The board of regents of higher education may
 9 terminate the commission from time to time when there is no
 10 need for its existence."

11 Section 2. Section 20-2-101, MCA, is amended to read: 12 "20-2-101. Combined boards as state board -- budget review -- officers -- meetings -- quorum. (1) The board of 13 public education and the board of regents meeting together 14 15 as the state board of education shall be responsible for 16 long-range planning and for coordinating and evaluating 17 policies and programs for the public educational systems of 18 the state. The state board of education shall review and 19 unify the budget requests of educational entities assigned 20 by law to the board of public education, the board of 21 regents, or the state board of education and shall submit a 22 unified budget request with recommendations to the 23 appropriate state agency.

24 (2) The governor is the president of, the25 superintendent of public instruction is the secretary to,

- 3 -

HB 80

and the commissioner shall be a nonvoting participant at all meetings of the state board of education.

3 (3) The state board of education may select a member4 to chair its meetings in the absence of the governor.

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

7 (5) A majority of members appointed to the board of
8 public education and the board of regents shall constitute a
9 quorum for transaction of business as the state board of
10 education.

11 (6) The board of public education and the board of 12 regents shall meet at least twice yearly as the state board 13 of education on--any--two--of--the--dates--specified--in 14 20-2-112(1).

15 (7) Other meetings of the state board of education may 16 be called by the governor, by both the secretary to the board of public education and the secretary to the board of 17 regents, or by joint action of eight appointed members, four 18 19 each from the board of public education and the board of regents. All meetings of the state board of education shall 20 be for the purposes set forth in subsection (1) above or for 21 22 the purpose of considering other matters of common concern 23 to the board of public education and the board of regents, but the state board of education may not exercise the powers 24 and duties assigned by the 1972 Montana constitution and by 25

-4-

HB 80

1 law to the board of public education and the board of 2 regents."

3 Section 3. Section 20-2-111, MCA, is amended to read:
4 "20-2-111. Officers of boards -- quorum. (1) The board
5 of public education and the board of regents may each select
6 a chairman from among their appointed members.

7 (2) The professional--assistant executive secretary
8 shall serve as secretary to the board of public education,
9 and the commissioner of higher education serves as secretary
10 to the board of regents.

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

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

18 Section 4. Section 20-2-112, MCA, is amended to read: 19 "20-2-112. Quarterly meetings of boards -- called 20 meetings -- notice of meetings. (1) The board of public 21 education and the board of regents shall meet <u>at least</u> 22 quarterly <u>at-the-same--location--on-the--second--Monday-of</u> 23 Aprilz-dulyz-Septemberz-and-Becember.

(2) Other meetings of either board may be called bythe governor, by the chairman, by the secretary, or by four

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1 appointed members.

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

Section 5. Section 20-25-301, MCA, is amended to read:
"20-25-301. Regents' powers and duties. The board of
regents of higher education shall serve as regents of the
Montana university system, shall use and adopt this style in
all its dealings therewith, and shall:

10 (1) have general control and supervision of the units
11 of the Montana university system, which shall be considered
12 for all purposes one university:

13 (2) adopt rules, not inconsistent with the
14 constitution and the laws of the state, for its own
15 government which are proper and necessary for the execution
16 of the powers and duties conferred upon it by law;

17 (3) provide, subject to the laws of the state, rules18 for the government of the system;

(4) grant diplomas and degrees to the graduates of the
system upon the recommendation of the faculties and have
discretion to confer honorary degrees upon persons other
than graduates upon the recommendation of the faculty of
such institutions;

24 (5)--adopt--and---use---an---official---seal---in---the 25 authentication-of-its-acts;

-6-

HB 80

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(5) keep a record of its proceedings;

2 (7)(6) have, when not otherwise provided by law, 3 control of all books, records, buildings, grounds, and other 4 property of the system;

5 (6)(7) receive from the board of land commissioners. 6 other boards, persons, or from the government of the United 7 States all funds, incomes, and other property the system may 8 be entitled to and use and appropriate the property for the 9 specific purpose of the grant or donation:

10 (9)(8) have general control of all receipts and disbursements of the system; 11

12 (16)(9) appoint a president and faculty for each of 13 the institutions of the system, appoint any other necessary 14 officers, agents, and employees, and fix their compensation;

15 till-appoint-an-executive-secretary-of-the-systemy--who 16 shall--not--be--a-unit-presidenty-fix-his-term-of-office-and 17 salary7-and-generally-prescribe-his--duties---The--executive 18 secretary--is--not-a-member-of-the-boardy-but-he-shall-serve as-the-secretary-for-the-regents-19

20 (12)-appoint-every-2-years-a-budget-committee--composed 21 of--four-members-selected-from-the-appointive-members-of-the 22 regents-which-shall-review-the-budget-requests-presented--by 23 the--units--of-the-system-and-transmit-such-requests-and-its 24 recommendations-to-the-regents;

(12)(10) confer upon the executive board of each of

-7-

25

HB 80

1 the units of the system such authority as may be deemed 2 expedient relating to immediate control and management, 3 other than authority relating to financial matters or the selection of the teachers, employees, and faculty;

5 fl4;fl2;(11) confer, at the regents' discretion, upon 6 the president and faculty of each of the units of the system 7 for the best interest of the unit such authority relating to 8 the immediate control and management, other than financial, 9 and the selection of teachers and employees;

10 tistitit(12) prevent unnecessary duplication of courses 11 at the units of the system;

12 {i6}-investigate--the-needs-of-the-units-by-each-member 13 of-the-regents-visiting-each-unit-at-least-once--each--year; 14 tifit4)(13) appoint a certified professional geologist or registered mining engineer as the director of the Montana 15 16 state bureau of mines and geology, who shall be designated 17 the state geologist, and appoint any other necessary assistants and employees and fix their compensation. The 18 19 regents shall prepare a report to each regular session of the legislature showing the progress and condition of the 20 bureau, including any other necessary or required 21 22 information.

23 **†18}††15†(14)** supervise and control the agricultural 24 experiment station, along with any executive or subordinate 25 board or authority which may be appointed by the governor

1 with the advice and consent of the regents; -; 2 (19)-adopt--a--seal--bearing--on--its--face--the--words 3 "Montana--university--system"7--which--shall--remain--in-the custody-of--the--executive--secretary--and--which--shall--be 4 5 affixed--to--all-diplomas-and-all-other-papers7-instruments7 or-documents-which-may-require-it-6 7 (15) ADOPT A SEAL BEARING ON ITS FACE THE WORDS "MONTANA UNIVERSITY SYSTEM", WHICH MUST BE AFFIXED TO ALL 8 9 DIPLOMAS AND ALL OTHER PAPERS, INSTRUMENTS, OR DOCUMENTS 10 WHICH MAY REQUIRE IT." Section 6. Section 20-25-424, MCA, is amended to read: 11 12 "20-25-424. Receipt of funds. (1) The treasurer of Montana state university may receive the cash appropriation 13 received from the United States by authority of the act of 14 15 congress of August 30, 1890, known as the second Morrill Act and the act of congress of March 4, 1907, known as the 16 Nelson Amendment, to be expended by the executive board 17 under the general supervision of the regents only for the 18 purpose for which it was appropriated by congress. 19 (2) On or before September December 1 of each year, 20

the state university shall make detailed reports of the amounts received and disbursed under the provisions of the acts of congress of August 30, 1890, March 16, 1906, and March 4, 1907, to the secretaries of agriculture and interior of the United States, as required by the acts of 1 congress."

Section 7. Section 20-26-103, MCA, is amended to read:
"20-26-103. Definitions. As used in parts 1 and 2, the
following definitions apply:

5 (1) "Resident student" -means a person who was a
6 resident of Montana prior to enrolling and who is attending
7 a qualified postsecondary institution within Montana.

8 (2) "Postsecondary institution" includes the units of
9 the university system and any postsecondary institution
10 accredited or licensed under chapter 30 of this title.

(3) "Program advisory council" means the resident
 student-financial-assistance-program guaranteed student loan
 advisory council created by 2-15-1517 2-15-1520."

<u>NEW SECTION.</u> Section 8. Repealer. Sections 2-15-1517
 and 20-25-105, MCA, are repealed.

16 <u>NEW SECTION.</u> Section 9. Effective date. This act is
 17 effective on passage and approval.

-End-

-10 +

-9-

HB 80

HOUSE BILL NO. 80 1 INTRODUCED BY WALDRON, LORY 2 BY REQUEST OF THE COMMISSIONER OF HIGHER EDUCATION 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY CLARIFY 5 CERTAIN LAWS RELATING TO HIGHER EDUCATION AND THE BOARD OF 6 PUBLIC EDUCATION BY MAKING THE EXISTENCE OF THE COMMISSION 7 ON FEDERAL HIGHER EDUCATION PROGRAMS DISCRETIONARY, BY 8 ELIMINATING THE RESIDENT STUDENT FINANCIAL ASSISTANCE 9 PROGRAM ADVISORY COUNCIL, BY CLARIFYING THE MEETING 10 REQUIREMENTS FOR THE BOARD OF PUBLIC EDUCATION AND THE BOARD 11 OF REGENTS, BY CHANGING A REFERENCE TO PROFESSIONAL 12 ASSISTANT TO EXECUTIVE SECRETARY, BY CLARIFYING POWERS OF 13 THE BOARD OF REGENTS, BY CHANGING THE REPORTING DATE FOR 14 CERTAIN REPORTS RELATING TO FEDERAL FUNDS, AND BY REPEALING 15 A LAW RELATING TO ENDOWED CHAIRS AT STATE INSTITUTIONS; 16 AMENDING SECTIONS 2-15-1515, 20-2-101, 20-2-111, 20-2-112, 17 20-25-301, 20-25-424, AND 20-26-103, MCA; REPEALING SECTIONS 18 2-15-1517 AND 20-25-105, MCA; AND PROVIDING AN IMMEDIATE 19 EFFECTIVE DATE." 20

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 22 Section 1. Section 2-15-1515, MCA, is amended to read: 23 "2-15-1515. Commission on federal higher education 24 programs. (1) There is a commission on federal higher 25



1	education programs that may be called into existence by the
2	board of regents of higher education from time to time as
3	the need arises. Whenever the commission is called into
4	existence, the board shall request the governor to appoint
5	members pursuant to subsection (2)(b).
6	(2) The commission consists of:
7	(a) ex officio, the appointed members of the board of
8	regents of higher education; and
9	(b) a representative of each accredited private
10	college or university in this state appointed by the
11	governor from the board of trustees of each private college
12	or university upon the request of the board of regents of
13	higher education. Membershiponthecommissionbythese
14	representatives-is-contingent-upon-their-continued-status-as
15	trustees.
16	(3) The non-exofficio commission members appointed
17	pursuant to subsection (2)(b) shall serve for termsas
18	providedin2-15-124(2); the period of existence of the
19	commission; however, such period of service may not exceed 4
20	years and is contingent upon continued status as a trustee.
21	If a vacancy occurs in a position held by an individual
22	appointed pursuant to subsection (2)(b), the governor shall
23	appoint a replacement.
24	(4) The chairman of the board of regents of higher
25	education is chairman of the commission.

- 2 -

HB 80 REFERENCE BILL

HB 80

(5) The commissioner of higher education is the
 administrative officer of the commission.

3 (6) The commission is allocated to the board of
4 regents of higher education for administrative purposes only
5 as provided in 2-15-121.

6 (7) The commission members are entitled to
7 compensation as provided in 2-15-124(7).

8 (8) The board of regents of higher education may
 9 terminate the commission from time to time when there is no
 10 need for its existence."

11 Section 2. Section 20-2-101, MCA, is amended to read: 12 "20-2-101. Combined boards as state board -- budget review -- officers -- meetings -- quorum. (1) The board of 13 public education and the board of regents meeting together 14 as the state board of education shall be responsible for 15 long-range planning and for coordinating and evaluating 16 17 policies and programs for the public educational systems of 18 the state. The state board of education shall review and 19 unify the budget requests of educational entiries assigned 20 by law to the board of public education, the board of 21 regents, or the state board of education and shall submit a 22 unified budget request with recommendations to the 23 appropriate state agency.

24 (2) The governor is the president of, the25 superintendent of public instruction is the secretary to,

-3-

1 and the commissioner shall be a nonvoting participant at all

2 meetings of the state board of education.

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

5 (4) A tie vote at any meeting may be broken by the6 governor.

7 (5) A majority of members appointed to the board of
8 public education and the board of regents shall constitute a
9 quorum for transaction of business as the state board of
10 education.

11 (6) The board of public education and the board of 12 regents shall meet at least twice yearly as the state board 13 of education on--any--two--of--the--dates--specified--in 14 20-2-112(1).

15 (7) Other meetings of the state board of education may 16 be called by the governor, by both the secretary to the 17 board of public education and the secretary to the board of 18 regents, or by joint action of eight appointed members, four 19 each from the board of public education and the board of 20 regents. All meetings of the state board of education shall 21 be for the purposes set forth in subsection (1) above or for 22 the purpose of considering other matters of common concern to the board of public education and the board of regents, 23 24 but the state board of education may not exercise the powers 25 and duties assigned by the 1972 Montana constitution and by

-4-

1 law to the board of public education and the board of 2 regents."

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3 Section 3. Section 20-2-111, MCA, is amended to read:
4 "20-2-111. Officers of boards -- quorum. (1) The board
5 of public education and the board of regents may each select
6 a chairman from among their appointed members.

7 (2) The professional--assistant executive secretary
8 shall serve as secretary to the board of public education,
9 and the commissioner of higher education serves as secretary
10 to the board of regents.

11 (3) A majority of the appointed members of each board 12 constitutes a quorum for the transaction of business.

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

18 Section 4. Section 20-2-112, MCA, is amended to read: 19 "20-2-112. Quarterly meetings of boards -- called 20 meetings -- notice of meetings. (1) The board of public 21 education and the board of regents shall meet <u>at least</u> 22 quarterly at-the-same--location--on--the--second--Monday--of 23 April-July7-September7-and-Becember.

24 (2) Other meetings of either board may be called by25 the governor, by the chairman, by the secretary, or by four

1 appointed members.

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

5 Section 5. Section 20-25-301, MCA, is amended to read:

6 "20-25-301. Regents' powers and duties. The board of
7 regents of higher education shall serve as regents of the
8 Montana university system, shall use and adopt this style in
9 all its dealings therewith, and shall;

10 (1) have general control and supervision of the units
11 of the Montana university system, which shall be considered
12 for all purposes one university;

13 (2) adopt rules, not inconsistent with the
14 constitution and the laws of the state, for its own
15 government which are proper and necessary for the execution
16 of the powers and duties conferred upon it by law;

17 (3) provide, subject to the laws of the state, rules18 for the government of the system;

19 (4) grant diplomas and degrees to the graduates of the 20 system upon the recommendation of the faculties and have 21 discretion to confer honorary degrees upon persons other 22 than graduates upon the recommendation of the faculty of 23 such institutions;

24 (5)--adopt--and---use---an---officiai---seal---in---the 25 authentication-of-its-acts;

-6-

-5-

HB 60

HB 80

1 (6)(5) keep a record of its proceedings;

2 (77)(6) have, when not otherwise provided by law,
3 control of all books, records, buildings, grounds, and other
4 property of the system;

f8+(7) receive from the board of land commissioners,
other boards, persons, or from the government of the United
States all funds, incomes, and other property the system may
be entitled to and use and appropriate the property for the
specific purpose of the grant or donation;

12 (10)(9) appoint a president and faculty for each of 13 the institutions of the system, appoint any other necessary 14 officers, agents, and employees, and fix their compensation; 15 (11)-appoint-an-executive-secretary-of-the-system;--who 16 shall--not--be--a-unit-president;-fix-his-term-of-office-and

17 salary7-and-generally-prescribe-his--dutiesT-The--executive 18 secretary--is--not-a-member-of-the-board7-but-he-shall-serve 19 as-the-secretary-for-the-regentsT

20 (12)-appoint-every-2-years-a-budget-committee--composed 21 of--four-members-selected-from-the-appointive-members-of-the 22 regents-which-shall-review-the-budget-requests-presented--by 23 the--units--of-the-system-and-transmit-such-requests-and-its 24 recommendations-to-the-regents;

25 (13)(10) confer upon the executive board c each of

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HB 80

the units of the system such authority as may be deemed
 expedient relating to immediate control and management,
 other than authority relating to financial matters or the
 selection of the teachers, employees, and faculty;

5 (14)(12)(11) confer, at the regents' discretion, upon 6 the president and faculty of each of the units of the system 7 for the best interest of the unit such authority relating to 8 the immediate control and management, other than financial, 9 and the selection of teachers and employees;

10 (15)(12) prevent unnecessary duplication of courses
11 at the units of the system;

12 (16)-investigate--the-needs-of-the-units-by-each-member

13 of-the-regents-visiting-each-unit-at-least-once--each--year;

tt7;t14;(13) appoint a certified professional geologist 14 or registered mining engineer as the director of the Montana 15 state bureau of mines and geology, who shall be designated 16 17 the state geologist, and appoint any other necessary assistants and employees and fix their compensation. The 18 regents shall prepare a report to each regular session of T. 9 the legislature showing the progress and condition of the 20 bureau, including any other necessary or required 21 22 information.

23 (18)(125)(14) supervise and control the agricultural
24 experiment station, along with any executive or subordinate
25 board or authority which may be appointed by the governor

-8-

HB 80

1 with the advice and consent of the regents;

2 (19)-adopt--a--seal-bearing-on--its--face--the-words
3 "Montana--university--system"7--which--shall--remain--in-the
4 custody-of--the--executive--secretary--and--which--shall--be
5 affixed--to--all-diplomas-and-all-other-papers7-instruments7
6 or-documents-which-may-require-it-

7 (15) ADOPT A SEAL BEARING ON ITS FACE THE WORDS
8 "MONTANA UNIVERSITY SYSTEM", WHICH MUST BE AFFIXED TO ALL
9 DIPLOMAS AND ALL OTHER PAPERS, INSTRUMENTS, OR DOCUMENTS
10 WHICH MAY REQUIRE IT."

Section 6. Section 20-25-424, MCA, is amended to read: 11 12 "20-25-424. Receipt of funds. (1) The treasurer of 13 Montana state university may receive the cash appropriation received from the United States by authority of the act of 14 congress of August 30, 1890, known as the second Morrill Act 15 and the act of congress of March 4, 1907, known as the 16 Nelson Amendment, to be expended by the executive board 17 18 under the general supervision of the regents only for the 19 purpose for which it was appropriated by congress.

20 (2) On or before September December 1 of each year, 21 the state university shall make detailed reports of the 22 amounts received and disbursed under the provisions of the 23 acts of congress of August 30, 1890, March 16, 1906, and 24 March 4, 1907, to the secretaries of agriculture and 25 interior of the United States, as required by the acts of

-9-

HB 80

l congress."

Section 7. Section 20-26-103, MCA, is amended to read:
"20-26-103. Definitions. As used in parts 1 and 2, the
following definitions apply:

5 (1) "Resident student" means a person who was a
6 resident of Montana prior to enrolling and who is attending
7 a gualified postsecondary institution within Montana.

8 (2) "Postsecondary institution" includes the units of
9 the university system and any postsecondary institution
10 accredited or licensed under chapter 30 of this title.

11 (3) "Program advisory council" means the resident

12 student-financial-assistance-program guaranteed student loan

13 advisory council created by 2-15-1517 2-15-1520."

14 <u>NEW SECTION.</u> Section 8. Repealer. Sections 2-15-1517
15 and 20-25-105, MCA, are repealed.

16 <u>NEW SECTION.</u> Section 9. Effective date. This act is 17 effective on passage and approval.

-End-