

HOUSE BILL NO. 80

INTRODUCED BY WALDRON, LORY

BY REQUEST OF THE COMMISSIONER OF HIGHER EDUCATION

IN THE HOUSE

January 7, 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 THE 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 THE HOUSE

February 4, 1985	Received from Senate.  Sent to enrolling.  Reported correctly enrolled.
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1                    HOUSE BILL NO. 80  
 2 INTRODUCED BY WALDRON, LORY  
 3 BY REQUEST OF THE COMMISSIONER OF HIGHER EDUCATION  
 4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY CLARIFY  
 6 CERTAIN LAWS RELATING TO HIGHER EDUCATION AND THE BOARD OF  
 7 PUBLIC EDUCATION BY MAKING THE EXISTENCE OF THE COMMISSION  
 8 ON FEDERAL HIGHER EDUCATION PROGRAMS DISCRETIONARY, BY  
 9 ELIMINATING THE RESIDENT STUDENT FINANCIAL ASSISTANCE  
 10 PROGRAM ADVISORY COUNCIL, BY CLARIFYING THE MEETING  
 11 REQUIREMENTS FOR THE BOARD OF PUBLIC EDUCATION AND THE BOARD  
 12 OF REGENTS, BY CHANGING A REFERENCE TO PROFESSIONAL  
 13 ASSISTANT TO EXECUTIVE SECRETARY, BY CLARIFYING POWERS OF  
 14 THE BOARD OF REGENTS, BY CHANGING THE REPORTING DATE FOR  
 15 CERTAIN REPORTS RELATING TO FEDERAL FUNDS, AND BY REPEALING  
 16 A LAW RELATING TO ENDOWED CHAIRS AT STATE INSTITUTIONS;  
 17 AMENDING SECTIONS 2-15-1515, 20-2-101, 20-2-111, 20-2-112,  
 18 20-25-301, 20-25-424, AND 20-26-103, MCA; REPEALING SECTIONS  
 19 2-15-1517 AND 20-25-105, MCA; AND PROVIDING AN IMMEDIATE  
 20 EFFECTIVE DATE."

21  
 22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 23 Section 1. Section 2-15-1515, MCA, is amended to read:  
 24 "2-15-1515. Commission on federal higher education  
 25 programs. (1) There is a commission on federal higher

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. Membership--on--the--commission--by--these  
 14 representatives--is--contingent--upon--their--continued--status--as  
 15 trustees;

16 (3) The non--ex--officio commission members appointed  
 17 pursuant to subsection (2)(b) shall serve for terms--as  
 18 provided--in--2-15-124(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.



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  
13 review -- officers -- meetings -- quorum. (1) The board of  
14 public education and the board of regents meeting together  
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, the  
25 superintendent of public instruction is the secretary to,

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 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(i).~~

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  
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

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.

11 (3) A majority of the appointed members of each board  
12 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 at least  
22 ~~quarterly at the same location on the second Monday of~~  
23 ~~April, July, September, and December.~~

24 (2) Other meetings of either board may be called by  
25 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, rules  
18 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;

1 (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;

12 (10) appoint a president and faculty for each of the  
13 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 ~~salary, and generally prescribe his duties. The executive~~  
18 ~~secretary is not a member of the board, but he shall serve~~  
19 ~~as the secretary for the regents.~~

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}{11} confer upon the executive board of each of the~~

1 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  
4 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;~~

14 ~~{17}{14} appoint a certified professional geologist or~~  
15 ~~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~~  
20 ~~the legislature showing the progress and condition of the~~  
21 ~~bureau, including any other necessary or required~~  
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 --~~

1 with the advice and consent of the regents,  
 2 ~~{19} adopt a seal bearing on its face the words~~  
 3 ~~"Montana university system", which shall remain in the~~  
 4 ~~custody of the executive secretary and which shall be~~  
 5 ~~affixed to all diplomas and all other papers, 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 (1) "Resident student" means a person who was a  
 2 resident of Montana prior to enrolling and who is attending  
 3 a qualified postsecondary institution within Montana.

4 (2) "Postsecondary institution" includes the units of  
 5 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.

-End-

APPROVED BY COMM. ON EDUCATION  
AND CULTURAL RESOURCES

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 REQUIREMENTS FOR THE BOARD OF PUBLIC EDUCATION AND THE BOARD OF REGENTS, BY CHANGING A REFERENCE TO PROFESSIONAL ASSISTANT TO EXECUTIVE SECRETARY, BY CLARIFYING POWERS OF THE BOARD OF REGENTS, BY CHANGING THE REPORTING DATE FOR CERTAIN REPORTS RELATING TO FEDERAL FUNDS, AND BY REPEALING A LAW RELATING TO ENDOWED CHAIRS AT STATE INSTITUTIONS; AMENDING SECTIONS 2-15-1515, 20-2-101, 20-2-111, 20-2-112, 20-25-301, 20-25-424, AND 20-26-103, MCA; REPEALING SECTIONS 2-15-1517 AND 20-25-105, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

education programs that may be called into existence by the board of regents of higher education from time to time as the need arises. Whenever the commission is called into existence, the board shall request the governor to appoint members pursuant to subsection (2)(b).

(2) The commission consists of:

(a) ex officio, the appointed members of the board of regents of higher education; and

(b) a representative of each accredited private college or university in this state appointed by the governor from the board of trustees of each private college or university upon the request of the board of regents of higher education. Membership--on--the--commission--by--these representatives--is--contingent--upon--their--continued--status--as--trustees.

(3) The non--ex--officio commission members appointed pursuant to subsection (2)(b) shall serve for terms--as provided--in--2-15-124(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 appointed pursuant to subsection (2)(b), the governor shall appoint a replacement.

(4) The chairman of the board of regents of higher education is chairman of the commission.

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  
13 review -- officers -- meetings -- quorum. (1) The board of  
14 public education and the board of regents meeting together  
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, the  
25 superintendent of public instruction is the secretary to,

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 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  
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  
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



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.

11 (3) A majority of the appointed members of each board  
12 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 at least  
22 ~~quarterly at the same location on the second Monday of~~  
23 ~~April, July, September, and December.~~

24 (2) Other meetings of either board may be called by  
25 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, rules  
18 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;~~

1        ~~{6}~~{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        ~~{8}~~{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  
 11 disbursements of the system;

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 ~~salary; and generally prescribe his duties; The executive~~  
 18 ~~secretary is not a member of the board; but he shall serve~~  
 19 ~~as the secretary for the regents;~~

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}~~{11}{10} confer upon the executive board of each of

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  
 4 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}~~{13}{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;~~

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  
 20 the legislature showing the progress and condition of the  
 21 bureau, including any other necessary or required  
 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", which shall remain in the~~  
 4 ~~custody of the executive secretary and which shall be~~  
 5 ~~affixed to all diplomas and all other papers, instruments,~~  
 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."

11 Section 6. Section 20-25-424, MCA, is amended to read:

12 "20-25-424. Receipt of funds. (1) The treasurer of  
 13 Montana state university may receive the cash appropriation  
 14 received from the United States by authority of the act of  
 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  
 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

1 congress."

2 Section 7. Section 20-26-103, MCA, is amended to read:

3 "20-26-103. Definitions. As used in parts 1 and 2, the  
 4 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 NEW SECTION. Section 8. Repealer. Sections 2-15-1517  
 15 and 20-25-105, MCA, are repealed.

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

-End-

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 REQUIREMENTS FOR THE BOARD OF PUBLIC EDUCATION AND THE BOARD OF REGENTS, BY CHANGING A REFERENCE TO PROFESSIONAL ASSISTANT TO EXECUTIVE SECRETARY, BY CLARIFYING POWERS OF THE BOARD OF REGENTS, BY CHANGING THE REPORTING DATE FOR CERTAIN REPORTS RELATING TO FEDERAL FUNDS, AND BY REPEALING A LAW RELATING TO ENDOWED CHAIRS AT STATE INSTITUTIONS; AMENDING SECTIONS 2-15-1515, 20-2-101, 20-2-111, 20-2-112, 20-25-301, 20-25-424, AND 20-26-103, MCA; REPEALING SECTIONS 2-15-1517 AND 20-25-105, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

education programs that may be called into existence by the board of regents of higher education from time to time as the need arises. Whenever the commission is called into existence, the board shall request the governor to appoint members pursuant to subsection (2)(b).

(2) The commission consists of:

(a) ex officio, the appointed members of the board of regents of higher education; and

(b) a representative of each accredited private college or university in this state appointed by the governor from the board of trustees of each private college or university upon the request of the board of regents of higher education. Membership--on--the--commission--by--these representatives--is--contingent--upon--their--continued--status--as trustees.

(3) The non--ex--officio commission members appointed pursuant to subsection (2)(b) shall serve for terms--as provided--in--2-15-124(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 appointed pursuant to subsection (2)(b), the governor shall appoint a replacement.

(4) The chairman of the board of regents of higher education is chairman of the commission.

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  
13 review -- officers -- meetings -- quorum. (1) The board of  
14 public education and the board of regents meeting together  
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, the  
25 superintendent of public instruction is the secretary to,

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 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  
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  
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

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.

11 (3) A majority of the appointed members of each board  
12 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 at least  
22 ~~quarterly at the same location on the second Monday of~~  
23 ~~April, July, September, and December.~~

24 (2) Other meetings of either board may be called by  
25 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, rules  
18 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;~~

1        ~~{6}~~(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        ~~{8}~~(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  
 11 disbursements of the system;

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 salary, and generally prescribe his duties. The executive  
 18 secretary is not a member of the board, but he shall serve  
 19 as the secretary for the regents.

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}~~(11)(10) confer upon the executive board of each of

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  
 4 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}~~(13)(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;

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  
 20 the legislature showing the progress and condition of the  
 21 bureau, including any other necessary or required  
 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", which shall remain in the~~  
 4 ~~custody of the executive secretary and which shall be~~  
 5 ~~affixed to all diplomas and all other papers, instruments,~~  
 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."

11 Section 6. Section 20-25-424, MCA, is amended to read:  
 12 "20-25-424. Receipt of funds. (1) The treasurer of  
 13 Montana state university may receive the cash appropriation  
 14 received from the United States by authority of the act of  
 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  
 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

1 congress."

2 Section 7. Section 20-26-103, MCA, is amended to read:  
 3 "20-26-103. Definitions. As used in parts 1 and 2, the  
 4 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 NEW SECTION. Section 8. Repealer. Sections 2-15-1517  
 15 and 20-25-105, MCA, are repealed.

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

-End-



## 1 HOUSE BILL NO. 80

2 INTRODUCED BY WALDRON, LORY

3 BY REQUEST OF THE COMMISSIONER OF HIGHER EDUCATION

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY CLARIFY  
6 CERTAIN LAWS RELATING TO HIGHER EDUCATION AND THE BOARD OF  
7 PUBLIC EDUCATION BY MAKING THE EXISTENCE OF THE COMMISSION  
8 ON FEDERAL HIGHER EDUCATION PROGRAMS DISCRETIONARY, BY  
9 ELIMINATING THE RESIDENT STUDENT FINANCIAL ASSISTANCE  
10 PROGRAM ADVISORY COUNCIL, BY CLARIFYING THE MEETING  
11 REQUIREMENTS FOR THE BOARD OF PUBLIC EDUCATION AND THE BOARD  
12 OF REGENTS, BY CHANGING A REFERENCE TO PROFESSIONAL  
13 ASSISTANT TO EXECUTIVE SECRETARY, BY CLARIFYING POWERS OF  
14 THE BOARD OF REGENTS, BY CHANGING THE REPORTING DATE FOR  
15 CERTAIN REPORTS RELATING TO FEDERAL FUNDS, AND BY REPEALING  
16 A LAW RELATING TO ENDOWED CHAIRS AT STATE INSTITUTIONS;  
17 AMENDING SECTIONS 2-15-1515, 20-2-101, 20-2-111, 20-2-112,  
18 20-25-301, 20-25-424, AND 20-26-103, MCA; REPEALING SECTIONS  
19 2-15-1517 AND 20-25-105, MCA; AND PROVIDING AN IMMEDIATE  
20 EFFECTIVE DATE."

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

23 Section 1. Section 2-15-1515, MCA, is amended to read:

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

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; and9 (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. Membership--on--the--commission--by--these  
14 representatives-is-contingent-upon-their-continued-status-as  
15 trustees.16 (3) The non--ex--officio commission members appointed  
17 pursuant to subsection (2)(b) shall serve for terms--as  
18 provided--in--2-15-124(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.

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  
13 review -- officers -- meetings -- quorum. (1) The board of  
14 public education and the board of regents meeting together  
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, the  
25 superintendent of public instruction is the secretary to,

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 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  
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  
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

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.

11 (3) A majority of the appointed members of each board  
12 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 at least  
22 ~~quarterly at the same location on the second Monday of~~  
23 ~~April, July, September, and December.~~

24 (2) Other meetings of either board may be called by  
25 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, rules  
18 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;~~

1        ~~†6†~~(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        ~~†8†~~(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

11 disbursements of the system;

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 salary, and generally prescribe his duties. The executive

18 secretary is not a member of the board, but he shall serve

19 as the secretary for the regents.

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†~~~~†11†~~(10) confer upon the executive board of each of

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

4 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†~~~~†13†~~(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;

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

20 the legislature showing the progress and condition of the

21 bureau, including any other necessary or required

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",--which--shall--remain--in--the~~  
 4 ~~custody--of--the--executive--secretary--and--which--shall--be~~  
 5 ~~affixed--to--all--diplomas--and--all--other--papers--instruments,~~  
 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."

11 Section 6. Section 20-25-424, MCA, is amended to read:  
 12 "20-25-424. Receipt of funds. (1) The treasurer of  
 13 Montana state university may receive the cash appropriation  
 14 received from the United States by authority of the act of  
 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  
 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

1 congress."

2 Section 7. Section 20-26-103, MCA, is amended to read:  
 3 "20-26-103. Definitions. As used in parts 1 and 2, the  
 4 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 NEW SECTION. Section 8. Repealer. Sections 2-15-1517  
 15 and 20-25-105, MCA, are repealed.

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

-End-