

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2125

2001 SENATE INDUSTRY, BUSINESS AND LABOR

SB 2125

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2125

Senate Industry, Business and Labor Committee

Conference Committee

Hearing Date January 17, 2001

Tape Number	Side A	Side B	Meter #
2	x		42.9 to end
2		x	0 to 16.6
		x	19.6 (vote)
Committee Clerk Signature <i>Doris E. Peirce</i>			

Minutes:

The committee was called to order. All members present. The hearing was opened on SB 2125 relating to schools of massage; and to provide an effective date.

WAYNE KUTZER, State Director of Vocational Technical Education. In favor. Written testimony attached. Board of massage more qualified than us to evaluate schools in that industry.

JIM FLEMING, Assistant Attorney General, representing State Board of Massage. In favor of this bill.

SHARON DOCKTER, IMS School. Against this bill: this is a power trip to rule massage therapists and schools of massage and to limit free enterprise. Voc. Tech. has done well I recommend things stay as they are.

KEITH GOSLINE, Sister Rosalind School of Massage. Against this bill. Only 3 massage therapists on this board cannot compare with the experience of Voc. Tech. It is not fair for 3

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Senate Industry, Business and Labor Committee

Bill/Resolution Number SB2125

Hearing Date January 17, 2001.

people to make all decisions. Handed out copies of Post secondary Educational Authorization

Act.

DANIELLE GYFLE, IMS School, against this bill. They want to regulate where I work.

DRALINN KOENIG, LMT, 3rd, Vice-Pres. ND Chapter of AMTA, submitted written testimony against.

RICH RADSPINNER, LMT, submitted written testimony against.

Hearing concluded.

Committee reconvened. (Tape 2 side B meter 19.6) Discussion was held.

SENATOR ESPEGARD: Motion: Do not pass. SENATOR D. MATHERN: Seconded

Roll call vote: 7 yes ;0 no; 0 absent. Carrier: SENATOR ESPEGARD.

FISCAL NOTE
 Requested by Legislative Council
 12/26/2000

Bill/Resolution No.: SB 2125

Amendment to:

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

none

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

none

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

none

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

none

Name:	Phil J. Reisenauer	Agency:	State Board of Massage

Phone Number: 225-3906

Date Prepared: 01/09/2001

REPORT OF STANDING COMMITTEE (410)
January 17, 2001 3:32 p.m.

Module No: SR-07-1149
Carrier: Espegard
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2125: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2125 was placed on the Eleventh order on the calendar.

2001 TESTIMONY

SB 2125

**State Board for Vocational Technical Education
Testimony on SB 2125
January 17, 2001**

My name is Wayne Kutzer, I am the State Director of Vocational Technical Education. I am here to express my support of SB 2125.

The State Board for Vocational Technical Education has the authority to approve Private/Postsecondary institutions, which include schools of massage. The law states that we have the power and duty to establish and require compliance with minimum standards and criteria, and that those standards and criteria include the quality of education, ethical and business practices, health and safety and fiscal responsibilities.

We initiated work with the board of massage on this bill because we lack the expertise to evaluate the applications to authorize schools of massage to operate and that currently in the law, the rest of the professional schools in cosmetology, barbering, auctioneering, and nursing are exempt from our authorization process because they have a board in place that has that responsibility. The last legislative session established the curricular requirements for schools of massage, namely the American massage therapy association commission on massage. The legislation also gave the power and duty to that board to revoke, suspend or annul licenses to operate. In effect schools of massage must meet the requirements of the legislation and that of the State Board for Vocational Technical Education in order to operate.

From our point of view the board of massage is much more qualified to evaluate schools in that industry than our board. I would ask that you support this bill.

POSTSECONDARY EDUCATIONAL AUTHORIZATION ACT

An Act to authorize postsecondary educational institutions to operate in North Dakota; providing definitions, exemptions, powers and duties, minimum standards, prohibitions, refund of tuition fees, negotiation of promissory instruments, cancellation of contracts for instruction, treble damage remedies for defrauded students, board review, civil and criminal penalties, court jurisdiction and process and enforcement.

CHAPTER 15-20.4 OF THE NORTH DAKOTA CENTURY CODE

--POSTSECONDARY EDUCATIONAL INSTITUTIONS--

Section

15-20.4-01 Definitions.
15-20.4-02 Exemptions.
15-20.4-03 Board powers and duties.
15-20.4-04 Minimum standards.
15-20.4-05 Prohibition.
15-20.4-06 Refund of tuition fees.
15-20.4-07 Negotiation of promissory instruments.
15-20.4-08 Cancellation of contract for instrument.

Section

15-20.4-09 Remedy of defrauded student
-- Treble damages.
15-20.4-10 Board review.
15-20.4-11 Violations -- Civil penalty.
15-20.4-12 Violations -- Criminal penalty.
15-20.4-13 Jurisdiction of courts
-- Service of process.
15.20.4-14 Enforcement -- Injunction.

15-20.4-01. DEFINITIONS. As used in this chapter:

1. "Agent" means any person owning any interest in, employed by, or representing for remuneration, a postsecondary educational institution within or outside this state, who, by solicitation in any form made in this state, enrolls or seeks to enroll a resident of this state for education offered by such institution, or offers to award educational credentials, for remuneration, on behalf of any such institution, or who holds himself out to residents of this state as representing a postsecondary educational institution for any such purpose.
2. "Agent's permit" means a nontransferable written authorization issued to a natural person by the board which allows that person to solicit or enroll any resident of this state for education in a postsecondary educational institution.

3. "Authorization to operate" or like term means approval of the board to operate or to contract to operate a postsecondary educational institution in this state.
4. "Board" means the state board of vocational education.
5. "Education" or "educational services" or like term includes, but is not limited to, any class, course, or program of training, instruction, or study.
6. "Educational credentials" means degrees, diplomas, certificates, transcripts, reports, documents, or letters of designation, marks, appellations, series of letters, numbers, or words which signify, purport, or are generally taken to signify enrollment, attendance, progress, or satisfactory completion of the requirements or prerequisites for education at a postsecondary educational institution.
7. "Entity" includes, but is not limited to, any company, firm, society, association, partnership, corporation, and trust.
8. "Executive officer" means the director of vocational education.
9. "Postsecondary educational institution" includes, but is not limited to, an academic, vocational, technical, home study, business, professional, or other school, college, or university, or other organization or person, offering educational credentials, or offering instruction or educational services (primarily to persons who have completed or terminated their secondary education or who are beyond the age of compulsory high school attendance) for attainment of educational, professional, or vocational objectives.
10. "To grant" includes awarding, selling, conferring, bestowing, or giving.
11. "To offer" includes, in addition to its usual meanings, advertising, publicizing, soliciting, or encouraging any person, directly or indirectly, in any form, to perform the act described.
12. "To operate" an educational institution, or like term, means to establish, keep, or maintain any facility or location in this state where, from, or through which, education is offered or given, or educational credentials are offered or granted, and includes contracting with any person, group, or entity to perform any such act.

15-20.4-02. EXEMPTIONS. The following education and educational institutions are exempted from the provisions of this chapter:

1. Institutions exclusively offering instruction at any or all levels from preschool through the twelfth grade.
2. Education sponsored by a bona fide trade, business, professional, or fraternal organization, so recognized by the board, solely for that organization's membership, or offered on a no-fee basis.
3. Education solely avocational or recreational in nature, as determined by the board, and institutions offering such education exclusively.
4. Certain education provided through short-term programs as determined by the board.
5. Education offered by charitable institutions, organizations, or agencies, so recognized by the board, provided such education is not advertised or promoted as leading toward educational credentials.
6. Postsecondary educational institutions established, operated, and governed by this state or its political subdivisions, as determined by the board and any educational consortium that includes one or more of such institutions.
7. Private four-year institutions chartered or incorporated and operating in the state prior to July 1, 1977, so long as such institutions retain accreditation by national or regional accrediting agencies recognized by the United States office of education.
8. Schools of barbering regulated under chapter 43-04.
9. Schools of cosmetology regulated under chapter 43-11.
10. Schools of nursing regulated under chapter 43-12.1.
11. Schools instructing on the manner of conducting games of chance which are regulated under chapter 53-06.1.
12. Schools instructing on the manner of conducting auction sales which are regulated under chapter 51-05.1.

