

1 House BILL NO. 247
 2 INTRODUCED BY Amper
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ABOLISH THE
 5 EXEMPTION FROM POST-SECONDARY EDUCATIONAL INSTITUTION
 6 LICENSING REQUIREMENTS NOW PROVIDED FOR CERTAIN ACCREDITED
 7 INSTITUTIONS; CONFORMING SUCH LICENSING TO THE MONTANA
 8 ADMINISTRATIVE PROCEDURE ACT; AMENDING SECTIONS 75-9203 AND
 9 75-9212, R.C.M. 1947; TO REPEAL SECTIONS 75-9213 AND
 10 75-9214, R.C.M. 1947; AND PROVIDING AN EFFECTIVE DATE."
 11

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 13 Section 1. Section 75-9203, R.C.M. 1947, is amended to
 14 read as follows:
 15 "75-9203. Exemptions. The following are exempt from
 16 the provisions of this act:
 17 ~~{1}--institutions--accredited-by-a-national-or-regional~~
 18 ~~accrediting-agency-recognized-by-either-the-board-of--public~~
 19 ~~education--or--the--board-of-regents-of-higher-education-and~~
 20 ~~notification-of-such-recognition-having-been--given--to--the~~
 21 ~~department-by-either-board;~~
 22 {2} (1) education sponsored by a trade, business,
 23 professional or fraternal organization solely for the
 24 membership of the organization or offered without the
 25 payment of fees;

1 ~~{3}~~ (2) avocational or recreational education and
 2 institutions offering such education exclusively;
 3 ~~{4}~~ (3) education offered by charitable or religious
 4 institutions, organizations or agencies unless such
 5 education is offered as leading toward educational
 6 credentials;
 7 ~~{5}~~ (4) institutions possessing a valid certificate
 8 issued by the federal aviation agency;
 9 ~~{6}~~ (5) schools of cosmetology possessing a valid
 10 certificate of registration issued under the provisions of
 11 chapter 8 of Title 66."
 12 Section 2. Section 75-9212, R.C.M. 1947, is amended to
 13 read as follows:
 14 "75-9212. Revocation of license or permit. If the
 15 department has reasonable cause to believe that a holder of
 16 a license or permit issued under any provision of this act
 17 has violated or is in violation of this act or criteria
 18 established under this act, the department may revoke the
 19 license or permit as provided hereafter.
 20 ~~{1}--The-department-shall-notify-the-holder--in--writing~~
 21 ~~of--the--intention--to--revoke--the-grounds-for-the-intended~~
 22 ~~action-and-a-date-upon-which-such--revocation--shall--become~~
 23 ~~effective.~~
 24 ~~{2}--If-prior-to-the-effective-date-of-the-revocation,~~
 25 ~~the-holder-submits-evidence-showing--the--holder--has--taken~~

1 ~~action to remedy the violation or violations which has or~~
2 ~~have occurred or is occurring and such evidence is~~
3 ~~satisfactory to the department, the department may vacate~~
4 ~~the effective date of the revocation.~~

5 ~~(3) If there is no submission under subsection (2)~~
6 ~~above, the license or permit shall be revoked on the~~
7 ~~effective date, unless the holder requests a hearing before~~
8 ~~the department under the provisions of section 13-75-9213~~
9 ~~of this act.~~

10 ~~(4) In the event a permit is revoked, the department~~
11 ~~shall notify the institution or institutions represented by~~
12 ~~the holder of the revocation. A decision respecting~~
13 revocation of a license or permit shall be made after
14 opportunity for hearing before the department of business
15 regulation. Matters concerning the revocation of licenses
16 or permits, hearings and judicial review will be handled as
17 contested cases under the administrative procedure act
18 (sections 82-4201 through 82-4225, R.C.M. 1947)."

19 Section 3. Sections 75-9213 and 75-9214, R.C.M. 1947,
20 are repealed.

21 Section 4. This act is effective on its passage and
22 approval.

-End-

Approved by Committee
on Education

HOUSE BILL NO. 247

INTRODUCED BY HARPER, GUNDERSON

A BILL FOR AN ACT ENTITLED: "AN ACT TO ~~ABOLISH--THE~~
~~EXEMPTION---FROM---POST-SECONDARY---EDUCATIONAL---INSTITUTION~~
~~LICENSING-REQUIREMENTS--NOW-PROVIDED-FOR-CERTAIN--ACCREDITED~~
~~INSTITUTIONS;--CONFORMING--SUCH~~ CONFORM THE LICENSING OF
PROPRIETARY POSTSECONDARY INSTITUTIONS TO THE MONTANA
ADMINISTRATIVE PROCEDURE ACT; AMENDING ~~SECTIONS-75-9203-AND~~
SECTION 75-9212, R.C.M. 1947; ~~TO-REPEAL~~ REPEALING SECTIONS
75-9213 AND 75-9214, R.C.M. 1947; AND PROVIDING AN EFFECTIVE
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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 75-9203, R.C.M. 1947, is amended to
read as follows:

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the provisions of this act:

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~~education-or-the-board-of-regents-of--higher--education--and~~
~~notification--of--such--recognition-having-been-given-to-the~~
~~department-by-either-board;~~

(1) INSTITUTIONS ACCREDITED BY A NATIONAL OR REGIONAL
ACCREDITING AGENCY RECOGNIZED BY EITHER THE BOARD OF PUBLIC

EDUCATION OR THE BOARD OF REGENTS OF HIGHER EDUCATION AND
NOTIFICATION OF SUCH RECOGNITION HAVING BEEN GIVEN TO THE
DEPARTMENT BY EITHER BOARD;

~~{2}-{1}-~~ (2) education sponsored by a trade, business,
professional or fraternal organization solely for the
membership of the organization or offered without the
payment of fees;

~~{3}-{2}-~~ (3) avocational or recreational education and
institutions offering such education exclusively;

~~{4}-{3}-~~ (4) education offered by charitable or
religious institutions, organizations or agencies unless
such education is offered as leading toward educational
credentials;

~~{5}-{4}-~~ (5) institutions possessing a valid
certificate issued by the federal aviation agency;

~~{6}-{5}-~~ (6) schools of cosmetology possessing a valid
certificate of registration issued under the provisions of
chapter 8 of Title 66."

Section 2. Section 75-9212, R.C.M. 1947, is amended to
read as follows:

"75-9212. Revocation of license or permit. If the
department has reasonable cause to believe that a holder of
a license or permit issued under any provision of this act
has violated or is in violation of this act or criteria
established under this act, the department may revoke the

1 license or permit as provided hereafter.

2 ~~{1}-The department shall notify the holder in writing~~
3 ~~of the intention to revoke, the grounds for the intended~~
4 ~~action and a date upon which such revocation shall become~~
5 ~~effective.~~

6 ~~{2}-If prior to the effective date of the revocation,~~
7 ~~the holder submits evidence showing the holder has taken~~
8 ~~action to remedy the violation or violations which has or~~
9 ~~have occurred or is occurring and such evidence is~~
10 ~~satisfactory to the department, the department may vacate~~
11 ~~the effective date of the revocation.~~

12 ~~{3}-If there is no submission under subsection {2}~~
13 ~~above, the license or permit shall be revoked on the~~
14 ~~effective date, unless the holder requests a hearing before~~
15 ~~the department under the provisions of section 13 {75-9213}~~
16 ~~of this act.~~

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18 ~~shall notify the institution or institutions represented by~~
19 ~~the holder of the revocation. A decision respecting~~
20 ~~revocation of a license or permit shall be made after~~
21 ~~opportunity for hearing before the department of business~~
22 ~~regulation. Matters concerning the revocation of licenses~~
23 ~~or permits, hearings and judicial review will be handled as~~
24 ~~contested cases under the Administrative Procedure Act~~
25 ~~(sections 82-4201 through 82-4225, R.C.M. 1947)."~~

1 Section 3. Sections 75-9213 and 75-9214, R.C.M. 1947,
2 are repealed.

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12 ~~{3}-If there is no submission under subsection {2}~~
 13 ~~above, the license or permit shall be revoked on the~~
 14 ~~effective date, unless the holder requests a hearing before~~
 15 ~~the department under the provisions of section 13 {75-9213}~~
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 18 ~~shall notify the institution or institutions represented by~~
 19 ~~the holder of the revocation. A decision respecting~~
 20 ~~revocation of a license or permit shall be made after~~
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9 institutions offering such education exclusively;

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12 such education is offered as leading toward educational
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4 ~~action--and--a--date--upon--which--such--revocation--shall--become~~

5 ~~effective.~~

6 ~~{2}--If,--prior--to--the--effective--date--of--the--revocation,~~

7 ~~the--holder--submits--evidence--showing--the--holder--has--taken~~

8 ~~action--to--remedy--the--violation--or--violations--which--has--or~~

9 ~~have---occurred---or---is---occurring---and---such---evidence---is~~

10 ~~satisfactory--to--the--department,--the--department--may--vacate~~

11 ~~the--effective--date--of--the--revocation.~~

12 ~~{3}--If--there--is--no--submission--under--subsection--{2}~~

13 ~~above,--the--license--or--permit--shall--be--revoked--on--the~~

14 ~~effective--date,--unless--the--holder--requests--a--hearing--before~~

15 ~~the--department--under--the--provisions--of--section--13--{75-9213}~~

16 ~~of--this--act.~~

17 ~~{4}--In--the--event--a--permit--is--revoked,--the--department~~

18 ~~shall--notify--the--institution--or--institutions--represented--by~~

19 ~~the---holder---of---the---revocation. A decision respecting~~

20 ~~revocation of a license or permit shall be made after~~

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