

CHAPTER NO. 465

SENATE BILL NO. 431

INTRODUCED BY HAFFERMAN, GRAHAM

BY REQUEST OF THE DEPARTMENT OF PROFESSIONAL  
AND OCCUPATIONAL LICENSING

IN THE SENATE

February 10, 1979	Introduced and referred to Committee on Judiciary.
February 13, 1979	Fiscal note requested.
February 17, 1979	Committee recommend bill do pass. Report adopted.
February 19, 1979	Fiscal note returned.  Printed and placed on members' desks.
February 20, 1979	Second reading, do pass.
February 21, 1979	Considered correctly engrossed.
February 22, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 23, 1979	Introduced and referred to Committee on Judiciary.
March 19, 1979	Committee recommend bill be concurrent in as amended. Report adopted.
March 20, 1979	Second reading, concurred in.
March 23, 1979	Third reading, concurred in as amended.

IN THE SENATE

March 24, 1979	Returned from second house. Concurred in as amended.
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March 26, 1979

Second reading, pass consideration until March 28, 1979.

March 28, 1979

Second reading, amendments adopted.

March 29, 1979

Third reading, amendments adopted. Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. *431*  
 2 INTRODUCED BY *Hoffman Graham*  
 3 BY REQUEST OF THE DEPARTMENT OF PROFESSIONAL  
 4 AND OCCUPATIONAL LICENSING

5  
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE NOTICE  
 7 REQUIREMENTS FOR DENIAL, SUSPENSION, OR REVOCATION OF A  
 8 LICENSE; AMENDING SECTION 2-4-631, MCA."

9  
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 2-4-631, MCA, is amended to read:  
 12 "2-4-631. Licenses. (1) When the grant, denial,  
 13 renewal, revocation, suspension, annulment, withdrawal,  
 14 limitation, transfer, or amendment of a license is required  
 15 by law to be preceded by notice and opportunity for hearing,  
 16 the provisions of this chapter concerning contested cases  
 17 apply.

18 (2) When a licensee has made timely and sufficient  
 19 application for the renewal of a license or a new license  
 20 with reference to any activity of a continuing nature, the  
 21 existing license does not expire until the application has  
 22 been finally determined by the agency and, in case the  
 23 application is denied or the terms of the new license  
 24 limited, until the last day for seeking review of the agency  
 25 order or a later date fixed by order of the reviewing court.

1 (3) No revocation, suspension, annulment, withdrawal,  
 2 or amendment of any license is lawful unless ~~prior to the~~  
 3 ~~institution of agency proceedings,~~ the agency gave ~~the~~  
 4 notice referred to in subsection (1) by mail to the licensee  
 5 of facts or conduct which warrant the intended action ~~and~~  
 6 ~~the licensee was given an opportunity to show compliance~~  
 7 ~~with all lawful requirements for the retention of the~~  
 8 ~~license.~~ If the agency finds that public health, safety, or  
 9 welfare imperatively requires emergency action and  
 10 incorporates a finding to that effect in its order, summary  
 11 suspension of a license may be ordered pending proceedings  
 12 for revocation or other action. These proceedings shall be  
 13 promptly instituted and determined."

-End-

STATE OF MONTANA

REQUEST NO. 342-79

FISCAL NOTE

Form BD-15

In compliance with a written request received February 13, 19 79, there is hereby submitted a Fiscal Note for SB 431 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

**DESCRIPTION OF PROPOSED LEGISLATION:**

A bill for an act to clarify the notice requirements for denial, suspension or revocation of a license, amending section 2-4-631.

**FISCAL IMPACT:**

Minimal.

*Richard L. Jaeger for*

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/19/79

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 24 limited, until the last day for seeking review of the agency  
 25 order or a later date fixed by order of the reviewing court.

1 (3) No revocation, suspension, annulment, withdrawal,  
 2 or amendment of any license is lawful unless, prior to the  
 3 institution of agency proceedings, the agency gave the  
 4 notice referred to in subsection (1) by mail to the licensee  
 5 of facts or conduct which warrant the intended action and  
 6 the licensee was given an opportunity to show compliance  
 7 with all lawful requirements for the retention of the  
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 9 welfare imperatively requires emergency action and  
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25 order or a later date fixed by order of the reviewing court.1 (3) No ~~WHENEVER NOTICE IS REQUIRED, NO~~ revocation,  
2 suspension, annulment, withdrawal, or amendment of any  
3 license is lawful unless ~~prior to the institution of agency~~  
4 proceedings, the agency gave ~~the~~ notice ~~referred to in~~  
5 ~~subsection (1)~~ by mail to the licensee of facts or conduct  
6 which warrant the intended action ~~and the licensee was given~~  
7 ~~an opportunity to show compliance with all lawful~~  
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9 finds that public health, safety, or welfare imperatively  
10 requires emergency action and incorporates a finding to that  
11 effect in its order, summary suspension of a license may be  
12 ordered pending proceedings for revocation or other action.  
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14 determined."

-End-

HOUSE OF REPRESENTATIVES  
March 19, 1979

Judiciary Committee amendments to Senate Bill 431, 3rd Reading  
Copy, as follows:

1. Page 2, line 1.

Following: "(3)"

Strike: "No"

Insert: "Whenever notice is required, no"

2. Page 2, line 3.

Strike: "the"

3. Page 2, line 4.

Strike: "referred to in subsection (1)"

AND AS AMENDED BE CONCURRED IN

HSP:nk