

1 H BILL NO. 610  
 2 INTRODUCED BY Manuel (By request of Dept. Professional and Occupat. Licensing)  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR OR  
 5 CHANGE FEES FOR APPLICATION, LICENSE, EXAMINATION, RENEWAL,  
 6 LATE RENEWAL, RECIPROCITY, CERTIFICATION, AND REGISTRATION  
 7 FOR APPLICANTS, LICENSEES, OR REGISTRANTS OF THE BOARDS OF  
 8 HORSE RACING, BARBERS, PODIATRY EXAMINERS, COSMETOLOGISTS,  
 9 MEDICAL EXAMINERS, PHARMACISTS, PUBLIC ACCOUNTANTS, AND  
 10 SANITARIANS OF THE DEPARTMENT OF PROFESSIONAL AND  
 11 OCCUPATIONAL LICENSING; TO DEFINE RECIPROCITY ELIGIBILITY  
 12 FOR BOARD OF COSMETOLOGISTS APPLICANTS AND IMPOSE A FEE; TO  
 13 PROVIDE THAT NO LICENSE FEE OR TAX MAY BE IMPOSED ON  
 14 LICENSED MASSAGE THERAPISTS BY A MUNICIPALITY OR OTHER  
 15 SUBDIVISION OF THE STATE; PROVIDING FOR AN IMMEDIATE  
 16 EFFECTIVE DATE; AMENDING SECTIONS 62-505, 66-411, 66-605,  
 17 66-815, 66-1042, 66-1506, 66-1508, 66-1826, 66-2909,  
 18 66-3603, AND 69-3416, R.C.M. 1947."

19  
 20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 21 Section 1. Section 62-505, R.C.M. 1947, is amended to  
 22 read as follows:  
 23 "62-505. Duties of board, department, and licensees --  
 24 license fee. The board shall adopt rules to govern race  
 25 meets and the parimutuel system. These rules shall include

1 the following: definitions, auditing, and supervision of the  
 2 parimutuel system, corrupt practices, supervision, duties  
 3 and responsibilities of the presiding steward, racing  
 4 secretary and other racing officials, licensing of all  
 5 personnel who have anything to do with the substantive  
 6 operation of racing, the establishment of dates for race  
 7 meets and meetings in the best interest of breeding and  
 8 racing in this state, and the veterinary practices and  
 9 standards which must be observed in connection with race  
 10 meets. A person who participates in a race meet shall be  
 11 licensed and charged an annual fee not to exceed ~~ten-dollars~~  
 12 ~~(\$10)~~ \$25, which shall be paid to the department and used  
 13 for expenses of the board, subject to section 82A-1603(6).  
 14 Each person holding a license under this chapter, and every  
 15 owner, trainer, jockey, and attendant at a race course in  
 16 this state, shall comply with this chapter and with the  
 17 rules adopted and orders issued by the board."

18 Section 2. Section 66-411, R.C.M. 1947, is amended to  
 19 read as follows:  
 20 "66-411. Fees to be paid by apprentices, students,  
 21 barbers, barbershops and training programs. (1) The fee to  
 22 be paid by an apprentice for an apprentice examination and  
 23 an apprentice card is ~~twenty-five-dollars-(\$25)~~. The fee to  
 24 be paid by an applicant for an examination to determine his  
 25 fitness to receive a certificate of registration to practice

HB610

1 barbering is ~~twenty-dollars-(\$20)~~, and for the issuance of  
2 the certificate an additional ~~ten-dollars-(\$10)~~.

3 (2) A person registered as a barber or barber  
4 apprentice shall, before July 1 of each year, pay a license  
5 ~~fee of ten-dollars-(\$10) set by the board in an amount not~~  
6 ~~to exceed \$25 and based on clerical and administrative costs~~  
7 for the renewal of his certificate of registration. If a  
8 barber fails to have the certificate renewed before July 1  
9 of each year the barber shall on renewal of the certificate  
10 of registration pay a penalty of ~~ten--dollars--(\$10)~~, in  
11 addition to the regular renewal fee of ~~ten-dollars-(\$10)~~. If  
12 a certificate of registration is not renewed within ~~one-(1)~~  
13 year after the date of expiration, the barber is not  
14 entitled to have the certificate of registration renewed, or  
15 a new certificate of registration issued, without first  
16 applying for and taking the examination and paying the fees  
17 provided for in this section. However, physically  
18 handicapped persons, trained for the barber profession by  
19 the department of social and rehabilitation services and  
20 certified by that department as having successfully  
21 completed a ~~nine--(9)--month~~ 9-month course in a reputable  
22 barber college are not required to pay fees, and are for a  
23 period of ~~one-(1)~~ year immediately following their training  
24 exempt from all except the sanitary provisions of this  
25 chapter. No other or additional license or fee may be

1 imposed on barbers or barber apprentices by a municipality  
2 or other subdivision of this state.

3 (3) In addition to the fees and charges now provided  
4 by law, barbershops heretofore established, and which have  
5 been under the inspection of the board shall pay an annual  
6 license fee of ~~ten-dollars-(\$10) set by the board in an~~  
7 ~~amount not to exceed \$25 and based on clerical and~~  
8 ~~administrative costs~~. Barbershops hereafter established  
9 shall pay an initial inspection fee of ~~twenty-dollars-(\$20)~~  
10 ~~\$30~~ for the first year or portion thereof, and shall pay an  
11 annual license fee of ~~ten-dollars-(\$10) set by the board in~~  
12 ~~an amount not to exceed \$25~~.

13 (4) Barbershop, school, or college licenses expire on  
14 July 1 of each year, following the issuance of the license,  
15 and an owner or manager of a barbershop, school, or college  
16 which continues in active operation shall annually, before  
17 July 1, renew his barbershop, school, or college license and  
18 pay the required fee. A barbershop which fails to have the  
19 license renewed before July 1 of each year shall, on  
20 renewal, pay a penalty of ~~ten-dollars-(\$10)~~, and a barber  
21 school or college which fails to have the license renewed  
22 before July 1 of each year shall, on renewal, pay a penalty  
23 of ~~fifty-five-dollars-(\$55)~~.

24 Any person conducting in this state any advanced barber  
25 training program, clinic, or seminar for barbers as defined

1 in this chapter, shall pay an annual license fee of fifty  
 2 dollars--~~(\$50)~~ to the department, or a ten-~~(10)~~ day license  
 3 fee of fifteen-dollars-~~(\$15)~~, and display the license while  
 4 operating. Any such advanced barber training program,  
 5 clinic, or seminar may be inspected by the department at  
 6 reasonable times during operation."

7 Section 3. Section 66-605, R.C.M. 1947, is amended to  
 8 read as follows:

9 "66-605. Designation of licensees -- renewals --  
 10 reissuance of license -- display of license required --  
 11 recording necessary. A license issued under this act shall  
 12 be designated as a "registered podiatrist's license" and may  
 13 not contain any abbreviations thereof, nor any other  
 14 designation or title except that a statement of limitation  
 15 shall be contained in the license referring to the licensee  
 16 as a "registered podiatrist--practice limited to the foot,"  
 17 so as not to mislead the public with respect to their right  
 18 to treat other portions of the body. Licenses shall be  
 19 recorded by the department the same as other medical  
 20 licenses. The person receiving the license shall have it  
 21 recorded in the office of the county clerk in the county in  
 22 which he resides, and the record shall be endorsed on it. If  
 23 the person licensed moves to another county to practice, he  
 24 shall record the license in the same manner in the county  
 25 into which he moves, and the county clerk is entitled to

1 charge and receive the usual fee for making this record. A  
 2 renewal license fee of ~~three-dollars-(\$3)~~ set by the board  
 3 in an amount not to exceed \$25 shall be paid annually on  
 4 July 1 of each year, and if not paid within ~~three--(3)~~  
 5 months, the license shall be revoked and may be reissued  
 6 only on original application and payment of a fee of  
 7 ~~thirty-five--dollars--(\$35)~~. Licenses shall be conspicuously  
 8 displayed by podiatrists at their offices or other places of  
 9 practice."

10 Section 4. Section 66-815, R.C.M. 1947, is amended to  
 11 read as follows:

12 "66-815. Fees. Fees for licenses and certificates of  
 13 registration shall be paid to the department not to exceed  
 14 the following respective amounts prescribed by the board.  
 15 (1) A student enrolling in a registered cosmetology school  
 16 shall pay a registration fee of ~~three-dollars-and-fifty~~  
 17 ~~cents-(\$3.50)~~ \$7 to the department.

18 (2) An applicant for examination to practice shall pay  
 19 at the time of the application a fee of ~~twenty-dollars-(\$20)~~  
 20 \$40.

21 (3) An applicant for examination who is a graduate  
 22 from a cosmetology school of this state may pay a fee of  
 23 ~~four-dollars-(\$4)~~ \$8 for a temporary license to practice as  
 24 an operator.

25 (4) An applicant for examination to teach shall pay at

1 the time of the application a fee of ~~thirty-dollars-(\$30)~~  
2 \$60.

3 (5) A person practicing cosmetology as an operator  
4 shall pay a fee of ~~six-dollars-(\$6)~~ \$12 for the issuance of  
5 a license.

6 (6) An applicant for a manager-operator license shall  
7 pay a fee of ~~ten-dollars-(\$10)~~ \$20 for the issuance of a  
8 license.

9 (7) An applicant for an itinerant license as a  
10 cosmetologist shall pay a fee of ~~fifty-dollars-(\$50)~~ \$100.

11 (8) A person, firm, copartnership, or corporation  
12 owning, operating, or conducting a cosmetological salon  
13 shall pay the sum of ~~ten-dollars-(\$10)~~ \$20 for the issuance  
14 of the certificate of registration.

15 (9) A person teaching or instructing cosmetology shall  
16 pay a fee of ~~ten-dollars-(\$10)~~ \$20 for the issuance of a  
17 license.

18 (10) A person, firm, copartnership, or corporation  
19 owning, operating, or conducting a school of cosmetology  
20 shall pay the sum of ~~fifty-dollars--(\$50)~~ \$100 for a  
21 certificate of registration.

22 (11) A person, firm, copartnership, or corporation  
23 owning, operating, or conducting an advanced school of  
24 cosmetology shall pay the sum of ~~fifty-dollars--(\$50)~~ \$100  
25 for a certificate of registration.

1 (12) A person, firm, copartnership, or corporation  
2 owning, operating, or conducting a teacher-training unit in  
3 a school of cosmetology shall pay the sum of ~~fifty-dollars~~  
4 ~~(\$50)~~ \$100 for a certificate of registration.

5 ~~(13) An applicant for reciprocity licensure shall pay a~~  
6 ~~fee of \$100.~~

7 ~~(13)~~ (14) Duplicate licenses or certificates of  
8 registration shall be issued on payment of ~~two-dollars-(\$2)~~  
9 ~~\$4~~ and proof of necessity. The license and registration fees  
10 shall be paid annually, unless otherwise provided by board  
11 rule, in advance to the department. No other or additional  
12 license or registration fee may be imposed by a municipal  
13 corporation or other political subdivision of this state for  
14 the practice or teaching of cosmetology."

15 Section 5. There is a new R.C.M. section that reads as  
16 follows:

17 Reciprocity. A person who is licensed to practice  
18 cosmetology in another state may be eligible for reciprocity  
19 licensing in this state if he fulfills the requirements of  
20 this chapter and the rules adopted under it, other than  
21 those relating to examination. However, he may be licensed  
22 without examination only if the state in which he is  
23 licensed grants the same privilege to persons licensed in  
24 this state who seek licensure as a cosmetologist in that  
25 state.

1 Section 6. Section 66-1042, R.C.M. 1947, is amended to  
2 read as follows:

3 "66-1042. Annual registration fees -- limiting  
4 authority to impose registration fees. (1) In addition to  
5 the license fees required of applicants, a licensed  
6 physician actively practicing medicine in this state shall  
7 pay each year to the department, an annual registration fee,  
8 not to exceed the sum of ~~twenty-five dollars-(\$25)~~ \$100, as  
9 prescribed by the board ~~and approved by the department of~~  
10 ~~administration~~. If a person licensed to practice medicine  
11 absents himself from the state for a period of ~~one-(1)~~ or  
12 more years, or does not engage in active practice in this  
13 state, he may continue his license in good standing by the  
14 payment each year of ~~five--dollars--(\$5)--each--year~~ a fee  
15 prescribed by the board in an amount not to exceed \$50, or  
16 at the discretion of the board, he may be reinstated on the  
17 payment of a fee of ~~five-dollars-(\$5)~~ not to exceed \$50 for  
18 each year of absence or inactive practice.

19 (2) The annual payments for registration shall be made  
20 prior to April 1, and a receipt acknowledging payment of the  
21 annual registration fee shall be issued by the department.  
22 The department shall mail registration notices, at least  
23 ~~sixty-(60)~~ days before the registration is due. In case of  
24 default in the payment of the annual registration fee by a  
25 person licensed to practice medicine who is actively

1 practicing medicine in this state, his underlying  
2 certificate to practice medicine may be revoked by the board  
3 on ~~thirty-(30)~~ days' notice given to the delinquent of the  
4 time and place of considering the revocation. A registered  
5 or certified letter addressed to the last known address of  
6 the person failing to comply with the requirements of annual  
7 registration, as the address appears on the records of the  
8 department, constitutes sufficient notice of intention to  
9 revoke his underlying certificate. No certificate may be  
10 revoked for nonpayment if the person authorized to practice  
11 medicine, and notified, pays the annual registration fee  
12 before or at the time fixed for consideration of revocation  
13 together with a delinquency penalty of ~~ten-dollars-(\$10)~~.  
14 The department may collect the dues by an action at law.

15 (3) No registration or license fee may be imposed on a  
16 licensee under this act by a municipality or any other  
17 subdivision of the state."

18 Section 7. Section 66-1506, R.C.M. 1947, is amended to  
19 read as follows:

20 "66-1506. Examination of applicants for registration  
21 -- fees -- certificates. (1) The board shall meet at least  
22 once a year to transact its business. The department shall  
23 give reasonable notice of examinations by mail to known  
24 applicants. The department shall record the names of persons  
25 examined together with the grounds on which the right of

1 each to examination was claimed and also the names of  
 2 persons registered by examination or otherwise. The fee for  
 3 an examination ~~is twenty-five dollars-(\$25) shall be set by~~  
 4 ~~the board at a figure commensurate with costs,~~ which fee  
 5 may, in the discretion of the board, be returned to  
 6 applicants not taking the examination.

7 (2) On again making payment of the fee an applicant  
 8 who fails is entitled to take the next succeeding  
 9 examination free of charge.

10 (3) The fee for registration by reciprocity is one  
 11 ~~hundred-dollars-(\$100) \$200.~~

12 (4) To be entitled to examination as a pharmacist, the  
 13 applicant shall be a citizen of the United States, of good  
 14 moral character, and a graduate of the school of pharmacy of  
 15 the university of Montana or of a college or school of  
 16 pharmacy recognized and approved by, or a member of, the  
 17 American association of colleges of pharmacy, but the  
 18 applicant may not receive a registered pharmacist's license  
 19 until he has complied with the internship requirements  
 20 established by the board. During this period, if the  
 21 applicant has passed the examination, he shall be licensed  
 22 as an intern only.

23 (5) The board may, in its discretion, authorize the  
 24 department to grant registration without examination, to a  
 25 pharmacist licensed by a board of pharmacy or a similar

1 board of another state which accords similar recognition to  
 2 licensees of this state, if the requirements for  
 3 registration in the other state are, in the opinion of the  
 4 board, equivalent to the requirements of this act. Every  
 5 person licensed and registered under this act shall receive  
 6 from the department an appropriate certificate attesting the  
 7 fact, which shall be conspicuously displayed at all times in  
 8 his place of business. If the holder is entitled to manage  
 9 or conduct a pharmacy in this state for himself or another,  
 10 the fact shall be set forth in the certificate."

11 Section 8. Section 66-1508, R.C.M. 1947, is amended to  
 12 read as follows:

13 \*66-1508. Store license -- certified pharmacy license  
 14 -- suspension or revocation. (1) The department shall on  
 15 application on forms prescribed by the board and on the  
 16 payment of an annual fee of ~~five-dollars-(\$5) \$10,~~ license  
 17 stores other than a pharmacy in which are sold ordinary  
 18 household or medicinal drugs prepared in sealed packages or  
 19 bottles by a manufacturer, qualified under the laws of the  
 20 state in which the manufacturer resides. The name and  
 21 address of the manufacturer shall appear conspicuously on  
 22 each package sold by the licensee. It is unlawful for a  
 23 store to sell, deliver, or give away household medicinal  
 24 drugs, without first having secured a license and thereafter  
 25 keeping it in force by proper renewal. This subsection does

1 not prevent a vendor from selling a patent or proprietary  
2 medicine in the original package when plainly labeled, nor  
3 nonmedical articles usually sold by vendors.

4 (2) The board shall provide for the ~~annual~~ original  
5 registration certification and licensing annual renewal by  
6 the department of every pharmacy doing business in this  
7 state. On presentation of evidence satisfactory to the board  
8 and on application on a form prescribed by the board and on  
9 the payment of an ~~annual original certification~~ fee of  
10 ~~twenty--dollars--(\$20)~~ \$100, the department shall issue a  
11 license to a pharmacy as a "CERTIFIED PHARMACY", however,  
12 the license may be granted only to pharmacies operated by  
13 registered pharmacists or registered interns qualified under  
14 this act. The annual renewal fee for a pharmacy shall be set  
15 by the board in an amount not to exceed \$50. Any default in  
16 the payment of such renewal fee for a period of ~~thirty~~ (30)  
17 days after the date the same is due shall increase the  
18 renewal fee to the sum of ~~forty--dollars--(\$40)~~ \$100. The  
19 license must be displayed in a conspicuous place in the  
20 pharmacy for which it is issued, and expires on June 30  
21 following the date of issue. It is unlawful for a person to  
22 conduct a pharmacy, use the word pharmacy to identify his  
23 business, or use the word pharmacy in advertising unless a  
24 license has been issued and is in effect.

25 (3) The board may suspend, revoke, or refuse to renew

1 a store or pharmacy license obtained by false representation  
2 or fraud; when the pharmacy for which the license is issued  
3 is kept open for the transaction of business without a  
4 pharmacist in charge; when the person to whom the license is  
5 granted has been convicted of a violation of this act, a  
6 felony, or a violation of the Federal Food, Drug and  
7 Cosmetic Act of June 25, 1938, (52 Stats. 1040 through 1059)  
8 if a natural person, whose pharmacist or intern license has  
9 been revoked; or when the store or pharmacy is conducted in  
10 violation of this act. Before a license can be revoked the  
11 holder is entitled to a hearing by the board."

12 Section 9. Section 66-1826, R.C.M. 1947, is amended to  
13 read as follows:

14 "66-1826. Powers of board. The board shall have power  
15 to prescribe, by uniform rule, for the following:

16 (a) The terms and conditions under which a candidate  
17 who passes one or more subjects of examination may be  
18 re-examined in only the remaining subjects, with credit for  
19 the subjects previously passed;

20 (b) A reasonable waiting period for a candidate's  
21 re-examination in a subject he has failed;

22 (c) The maximum number of re-examinations for which a  
23 candidate may apply;

24 (d) The fees to be charged each candidate for initial  
25 examinations and special examinations, ~~not in excess of~~

1 ~~fifty-dollars-(\$50)-each, shall be commensurate with costs,~~  
 2 ~~and for With respect to~~ re-examinations, ~~not-in-excess-of~~  
 3 ~~ten-dollars-(\$10) a fee commensurate with costs may be~~  
 4 ~~charged~~ for each subject in which the candidate is  
 5 re-examined."

6 Section 10. Section 66-2909, R.C.M. 1947, is amended  
 7 to read as follows:

8 "66-2909. Renewal of license. A license expires on  
 9 December 31 of each year and shall be renewed then or  
 10 thereafter, by the department, on payment of a renewal fee  
 11 of not less than ~~ten-dollars-(\$10)~~ or more than ~~twenty-five~~  
 12 ~~dollars-(\$25)~~, as set by the board.

13 Any licensee who fails to renew on or before December  
 14 31 of each year shall be required to pay, in addition to the  
 15 renewal fee, a late renewal fee, in an amount not to exceed  
 16 ~~ten-dollars-(\$10)~~. Failure to so renew within ~~thirty-(30)~~  
 17 days following December 31 shall be cause for suspension or  
 18 revocation of the license. ~~No license fee or tax may be~~  
 19 ~~imposed on a massage therapist by a municipality or any~~  
 20 ~~other political subdivision of the state."~~

21 Section 11. Section 66-3608, R.C.M. 1947, is amended  
 22 to read as follows:

23 "66-3608. Fees -- earmarked revenue fund -- ~~late~~  
 24 ~~renewal fee-~~ (1) The fee for an original electrologist  
 25 license shall not exceed ~~fifty-dollars-(\$50)~~ as set by the

1 board. The renewal shall be automatic, unless revoked or  
 2 suspended for cause, and the renewal fee shall be set by  
 3 the board.

4 (2) The fee for an original electrologist salon  
 5 license shall be the same as that for cosmetology salons.  
 6 The renewal fee shall be the same as that for cosmetology  
 7 salons.

8 (3) All licenses issued under this act expire on  
 9 December 31 and shall be renewed annually. ~~Failure to renew~~  
 10 ~~on or before December 31 shall cause a late renewal fee of~~  
 11 ~~\$10 to be added to the regular renewal fee. The right to~~  
 12 ~~renew by payment of the late renewal fee expires after 3~~  
 13 ~~years of nonpayment.~~

14 (4) All fees or moneys collected by the department  
 15 under this act shall be deposited in the earmarked revenue  
 16 fund for the use of the board in administration of the act."

17 Section 12. Section 69-3416, R.C.M. 1947, is amended  
 18 to read as follows:

19 "69-3416. License fees. (1) An applicant for a  
 20 license shall pay a fee of ~~thirty-five-dollars-(\$35)~~ ~~set by~~  
 21 ~~the board in an amount commensurate with examination and~~  
 22 ~~administrative costs.~~

23 (2) A registered sanitarian may renew his license by  
 24 paying an annual fee set by the board, not to exceed ~~ten~~  
 25 ~~dollars-(\$10).~~



1           (3) Renewal fees are due July 1 of the renewal year.  
2    If the renewal fee is not payed the license expires.  
3    Licenses which have lapsed for failure to pay renewal fees  
4    may be reissued under rules adopted by the board."

5           Section 13. Effective date. This act is effective on  
6    its passage and approval.

-End-

## STATE OF MONTANA

REQUEST NO. 322-77

## FISCAL NOTE

Form BD-15

In compliance with a written request received February 2, 19 77, there is hereby submitted a Fiscal Note for House Bill 610 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:

An act to provide or change fees for various boards under the Department of Professional and Occupational Licensing; providing for reciprocity for Board of Cosmetology; providing that no license fee or tax may be imposed on licensed massage therapists by a municipality.

## ASSUMPTIONS:

1. Horse racing will issue 3,628 licenses. Anticipate \$10 per license in FY 78 and \$15 in FY 79.
2. Barbers will issue 760 licenses @ \$15 and license 300 shops @ \$20.
3. Podiatry license fees are estimated at \$25 for 25 licensees.
4. Cosmetology estimates are based on renewals and current school enrollments.
5. Medical examiners will issue 1,507 renewals @ \$50.
6. Increased fees for Board of Pharmacy will not affect individual pharmacists licenses, only those listed:  
30 reciprocal licenses @ \$200; 1,500 store licenses @ \$10; 300 pharmacy renewals @ \$35;  
15 new pharmacies @ \$100; 40 exam applicants @ \$40.
7. Public accountants will examine 364 in FY 78 and 400 in FY 79.
8. Sanitarians will give 10 exams @ \$50 per exam.

## FISCAL IMPACT:

|                    | Est. Revenue                       | Est. Revenue           |                  | Estimated                 |                  |
|--------------------|------------------------------------|------------------------|------------------|---------------------------|------------------|
|                    | Under Current Law<br>1978 and 1979 | Under Proposed<br>1978 | Law<br>1979      | Increased Revenue<br>1978 | 1979             |
| Horse Racing       | \$ 19,000                          | \$ 36,280              | \$ 54,420        | \$ 17,280                 | \$ 35,420        |
| Board of Barbers   | 10,600                             | 17,400                 | 17,400           | 6,800                     | 6,800            |
| Podiatry           | 75                                 | 625                    | 625              | 550                       | 550              |
| Cosmetology        | 40,000                             | 57,000                 | 60,000           | 17,000                    | 20,000           |
| Medical Examiners  | 34,000                             | 75,350                 | 75,350           | 41,350                    | 41,350           |
| Pharmacy           | 25,400                             | 34,600                 | 40,000           | 9,200                     | 14,600           |
| Public Accountants | 15,000                             | 20,000                 | 22,000           | 5,000                     | 7,000            |
| Sanitarians        | 350                                | 500                    | 500              | 150                       | 150              |
|                    | <u>\$144,425</u>                   | <u>\$241,755</u>       | <u>\$270,295</u> | <u>\$ 97,330</u>          | <u>\$125,870</u> |

## LONG-RANGE EFFECTS:

Without fee increases these boards could not meet anticipated expenditure levels and would have to cut license services and enforcement.

*Richard L. Zang*  
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-8-77

Approved by Committee  
on Business and Industry

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1 license fee. The board shall adopt rules to govern race  
2 meets and the parimutuel system. These rules shall include  
3 the following: definitions, auditing, and supervision of the  
4 parimutuel system, corrupt practices, supervision, duties  
5 and responsibilities of the presiding steward, racing  
6 secretary and other racing officials, licensing of all  
7 personnel who have anything to do with the substantive  
8 operation of racing, the establishment of dates for race  
9 meets and meetings in the best interest of breeding and  
10 racing in this state, and the veterinary practices and  
11 standards which must be observed in connection with race  
12 meets. A person who participates in a race meet shall be  
13 licensed and charged an annual fee not to exceed ~~ten dollars~~  
14 ~~(\$10)~~ \$25 \$15, which shall be paid to the department and  
15 used for expenses of the board, subject to section  
16 82A-1503(6). Each person holding a license under this  
17 chapter, and every owner, trainer, jockey, and attendant at  
18 a race course in this state, shall comply with this chapter  
19 and with the rules adopted and orders issued by the board."

20 Section 2. Section 66-411, R.C.M. 1947, is amended to  
21 read as follows:

22 "66-411. Fees to be paid by apprentices, students,  
23 barbers, barbershops and training programs. (1) The fee to  
24 be paid by an apprentice for an apprentice examination and  
25 an apprentice card is ~~twenty-five dollars-(\$25)~~. The fee to

SECOND READING

1 be paid by an applicant for an examination to determine his  
2 fitness to receive a certificate of registration to practice  
3 barbering is ~~twenty-dollars-(\$20)~~, and for the issuance of  
4 the certificate an additional ~~ten-dollars-(\$10)~~.

5 (2) A person registered as a barber or barber  
6 apprentice shall, before July 1 of each year, pay a license  
7 fee of ~~ten-dollars-(\$10)~~ set by the board in an amount not  
8 to exceed \$25 \$15 and based on clerical and administrative  
9 costs for the renewal of his certificate of registration. If  
10 a barber fails to have the certificate renewed before July 1  
11 of each year the barber shall on renewal of the certificate  
12 of registration pay a penalty of ~~ten-dollars-(\$10)~~, in  
13 addition to the regular renewal fee of ~~ten-dollars-(\$10)~~. If  
14 a certificate of registration is not renewed within ~~one-1)~~  
15 year after the date of expiration, the barber is not  
16 entitled to have the certificate of registration renewed, or  
17 a new certificate of registration issued, without first  
18 applying for and taking the examination and paying the fees  
19 provided for in this section. However, physically  
20 handicapped persons, trained for the barber profession by  
21 the department of social and rehabilitation services and  
22 certified by that department as having successfully  
23 completed a ~~nine-(9)-month~~ 9-month course in a reputable  
24 barber college are not required to pay fees, and are for a  
25 period of ~~one-1)~~ year immediately following their training

1 exempt from all except the sanitary provisions of this  
2 chapter. No other or additional license or fee may be  
3 imposed on barbers or barber apprentices by a municipality  
4 or other subdivision of this state.

5 (3) In addition to the fees and charges now provided  
6 by law, barbershops heretofore established, and which have  
7 been under the inspection of the board shall pay an annual  
8 license fee of ~~ten-dollars-(\$10)~~ set by the board in an  
9 amount not to exceed \$25 \$15 and based on clerical and  
10 administrative costs. Barbershops hereafter established  
11 shall pay an initial inspection fee of ~~twenty-dollars-(\$20)~~  
12 ~~\$10~~ \$25 for the first year or portion thereof, and shall pay  
13 an annual license fee of ~~ten-dollars-(\$10)~~ set by the board  
14 in an amount not to exceed \$25 \$15.

15 (4) Barbershop, school, or college licenses expire on  
16 July 1 of each year, following the issuance of the license,  
17 and an owner or manager of a barbershop, school, or college  
18 which continues in active operation shall annually, before  
19 July 1, renew his barbershop, school, or college license and  
20 pay the required fee. A barbershop which fails to have the  
21 license renewed before July 1 of each year shall, on  
22 renewal, pay a penalty of ~~ten-dollars-(\$10)~~, and a barber  
23 school or college which fails to have the license renewed  
24 before July 1 of each year shall, on renewal, pay a penalty  
25 of ~~fifty-five-dollars-(\$55)~~.

1 Any person conducting in this state any advanced barber  
 2 training program, clinic, or seminar for barbers as defined  
 3 in this chapter, shall pay an annual license fee of ~~fifty~~  
 4 ~~dollars-(\$50)~~ to the department, or a ~~ten-(10)~~ day license  
 5 fee of ~~fifteen-dollars-(\$15)~~, and display the license while  
 6 operating. Any such advanced barber training program,  
 7 clinic, or seminar may be inspected by the department at  
 8 reasonable times during operation."

9 Section 3. Section 66-605, R.C.M. 1947, is amended to  
 10 read as follows:

11 "66-605. Designation of licensees -- renewals --  
 12 reissuance of license -- display of license required --  
 13 recording necessary. A license issued under this act shall  
 14 be designated as a "registered podiatrist's license" and may  
 15 not contain any abbreviations thereof, nor any other  
 16 designation or title except that a statement of limitation  
 17 shall be contained in the license referring to the licensee  
 18 as a "registered podiatrist--practice limited to the foot,"  
 19 so as not to mislead the public with respect to their right  
 20 to treat other portions of the body. Licenses shall be  
 21 recorded by the department the same as other medical  
 22 licenses. The person receiving the license shall have it  
 23 recorded in the office of the county clerk in the county in  
 24 which he resides, and the record shall be endorsed on it. If  
 25 the person licensed moves to another county to practice, he

1 shall record the license in the same manner in the county  
 2 into which he moves, and the county clerk is entitled to  
 3 charge and receive the usual fee for making this record. A  
 4 renewal license fee of ~~three-dollars-(\$3)~~ set by the board  
 5 in an amount not to exceed \$25 shall be paid annually on  
 6 July 1 of each year, and if not paid within ~~three-(3)~~  
 7 months, the license shall be revoked and may be reissued  
 8 only on original application and payment of a fee of  
 9 ~~thirty-five-dollars-(\$35)~~. Licenses shall be conspicuously  
 10 displayed by podiatrists at their offices or other places of  
 11 practice."

12 Section 4. Section 66-815, R.C.M. 1947, is amended to  
 13 read as follows:

14 "66-815. Fees. Fees for licenses and certificates of  
 15 registration shall be paid to the department not to exceed  
 16 the following respective amounts prescribed by the board.

17 (1) A student enrolling in a registered cosmetology school  
 18 shall pay a registration fee of ~~three--dollars--and--fifty~~  
 19 ~~cents-(\$3.50)~~ \$1 to the department.

20 (2) An applicant for examination to practice shall pay  
 21 at the time of the application a fee of ~~twenty-dollars-(\$20)~~  
 22 \$10.

23 (3) An applicant for examination who is a graduate  
 24 from a cosmetology school of this state may pay a fee of  
 25 ~~four--dollars-(\$4)~~ \$2 for a temporary license to practice as

1 an operator.

2 (4) An applicant for examination to teach shall pay at  
3 the time of the application a fee of ~~thirty--dollars--(\$30)~~  
4 \$60.

5 (5) A person practicing cosmetology as an operator  
6 shall pay a fee of ~~six--dollars--(\$6)~~ \$12 for the issuance of  
7 a license.

8 (6) An applicant for a manager-operator license shall  
9 pay a fee of ~~ten--dollars--(\$10)~~ \$20 for the issuance of a  
10 license.

11 (7) An applicant for an itinerant license as a  
12 cosmetologist shall pay a fee of ~~fifty--dollars--(\$50)~~ \$100.

13 (8) A person, firm, copartnership, or corporation  
14 owning, operating, or conducting a cosmetological salon  
15 shall pay the sum of ~~ten--dollars--(\$10)~~ \$20 for the issuance  
16 of the certificate of registration.

17 (9) A person teaching or instructing cosmetology shall  
18 pay a fee of ~~ten--dollars--(\$10)~~ \$20 for the issuance of a  
19 license.

20 (10) A person, firm, copartnership, or corporation  
21 owning, operating, or conducting a school of cosmetology  
22 shall pay the sum of ~~fifty--dollars--(\$50)~~ \$100 for a  
23 certificate of registration.

24 (11) A person, firm, copartnership, or corporation  
25 owning, operating, or conducting an advanced school of

1 cosmetology shall pay the sum of ~~fifty--dollars--(\$50)~~ \$100  
2 for a certificate of registration.

3 (12) A person, firm, copartnership, or corporation  
4 owning, operating, or conducting a teacher-training unit in  
5 a school of cosmetology shall pay the sum of ~~fifty--dollars~~  
6 ~~(\$50)~~ \$100 for a certificate of registration.

7 (13) An applicant for reciprocity licensure shall pay a  
8 fee of \$100.

9 ~~(13)(14)~~ Duplicate licenses or certificates of  
10 registration shall be issued on payment of ~~two--dollars--(\$2)~~  
11 \$4 and proof of necessity. The license and registration fees  
12 shall be paid annually, unless otherwise provided by board  
13 rules, in advance to the department. No other or additional  
14 license or registration fee may be imposed by a municipal  
15 corporation or other political subdivision of this state for  
16 the practice or teaching of cosmetology."

17 Section 5. There is a new R.C.M. section that reads as  
18 follows:

19 Reciprocity. A person who is licensed to practice  
20 cosmetology in another state may be eligible for reciprocity  
21 licensing in this state if he fulfills the requirements of  
22 this chapter and the rules adopted under it, other than  
23 those relating to examination. However, he may be licensed  
24 without examination only if the state in which he is  
25 licensed grants the same privilege to persons licensed in

1 this state who seek licensure as a cosmetologist in that  
2 state.

3 Section 6. Section 66-1042, R.C.M. 1947, is amended to  
4 read as follows:

5 "66-1042. Annual registration fees -- limiting  
6 authority to impose registration fees. (1) In addition to  
7 the license fees required of applicants, a licensed  
8 physician actively practicing medicine in this state shall  
9 pay each year to the department, an annual registration fee,  
10 not to exceed the sum of ~~twenty-five dollars--(\$25)~~ \$100, as  
11 prescribed by the board ~~and approved by--the--department--of~~  
12 ~~administration~~. If a person licensed to practice medicine  
13 absents himself from the state for a period of ~~one--(1)~~ or  
14 more years, or does not engage in active practice in this  
15 state, he may continue his license in good standing by the  
16 payment each year of ~~five--dollars--(\$5)~~ each year a fee  
17 prescribed by the board in an amount not to exceed \$50, or  
18 at the discretion of the board, he may be reinstated on the  
19 payment of a fee of ~~five--dollars--(\$5)~~ not to exceed \$20 for  
20 each year of absence or inactive practice.

21 (2) The annual payments for registration shall be made  
22 prior to April 1, and a receipt acknowledging payment of the  
23 annual registration fee shall be issued by the department.  
24 The department shall mail registration notices, at least  
25 ~~sixty--(60)~~ days before the registration is due. In case of

1 default in the payment of the annual registration fee by a  
2 person licensed to practice medicine who is actively  
3 practicing medicine in this state, his underlying  
4 certificate to practice medicine may be revoked by the board  
5 on ~~thirty--(30)~~ days' notice given to the delinquent of the  
6 time and place of considering the revocation. A registered  
7 or certified letter addressed to the last known address of  
8 the person failing to comply with the requirements of annual  
9 registration, as the address appears on the records of the  
10 department, constitutes sufficient notice of intention to  
11 revoke his underlying certificate. No certificate may be  
12 revoked for nonpayment if the person authorized to practice  
13 medicine, and notified, pays the annual registration fee  
14 before or at the time fixed for consideration of revocation  
15 together with a delinquency penalty of ~~ten--dollars--(\$10)~~.  
16 The department may collect the dues by an action at law.

17 (3) No registration or license fee may be imposed on a  
18 licensee under this act by a municipality or any other  
19 subdivision of the state."

20 Section 7. Section 66-1506, R.C.M. 1947, is amended to  
21 read as follows:

22 "66-1506. Examination of applicants for registration  
23 -- fees -- certificates. (1) The board shall meet at least  
24 once a year to transact its business. The department shall  
25 give reasonable notice of examinations by mail to known

1 applicants. The department shall record the names of persons  
 2 examined together with the grounds on which the right of  
 3 each to examination was claimed and also the names of  
 4 persons registered by examination or otherwise. The fee for  
 5 an examination ~~is twenty-five dollars (\$25)~~ shall be set by  
 6 ~~the board at a figure commensurate with costs,~~ which fee  
 7 may, in the discretion of the board, be returned to  
 8 applicants not taking the examination.

9 (2) On again making payment of the fee an applicant  
 10 who fails is entitled to take the next succeeding  
 11 examination free of charge.

12 (3) The fee for registration by reciprocity is one  
 13 ~~hundred dollars (\$100)~~ \$200.

14 (4) To be entitled to examination as a pharmacist, the  
 15 applicant shall be a citizen of the United States, of good  
 16 moral character, and a graduate of the school of pharmacy of  
 17 the university of Montana or of a college or school of  
 18 pharmacy recognized and approved by, or a member of, the  
 19 American association of colleges of pharmacy, but the  
 20 applicant may not receive a registered pharmacist's license  
 21 until he has complied with the internship requirements  
 22 established by the board. During this period, if the  
 23 applicant has passed the examination, he shall be licensed  
 24 as an intern only.

25 (5) The board may, in its discretion, authorize the

1 department to grant registration without examination, to a  
 2 pharmacist licensed by a board of pharmacy or a similar  
 3 board of another state which accords similar recognition to  
 4 licensees of this state, if the requirements for  
 5 registration in the other state are, in the opinion of the  
 6 board, equivalent to the requirements of this act. Every  
 7 person licensed and registered under this act shall receive  
 8 from the department an appropriate certificate attesting the  
 9 fact, which shall be conspicuously displayed at all times in  
 10 his place of business. If the holder is entitled to manage  
 11 or conduct a pharmacy in this state for himself or another,  
 12 the fact shall be set forth in the certificate."

13 Section 8. Section 66-1508, R.C.M. 1947, is amended to  
 14 read as follows:

15 \*66-1508. Store license -- certified pharmacy license  
 16 -- suspension or revocation. (1) The department shall on  
 17 application on forms prescribed by the board and on the  
 18 payment of an annual fee of ~~five dollars (\$5)~~ \$10, license  
 19 stores other than a pharmacy in which are sold ordinary  
 20 household or medicinal drugs prepared in sealed packages or  
 21 bottles by a manufacturer, qualified under the laws of the  
 22 state in which the manufacturer resides. The name and  
 23 address of the manufacturer shall appear conspicuously on  
 24 each package sold by the licensee. It is unlawful for a  
 25 store to sell, deliver, or give away household medicinal



1 drugs, without first having secured a license and thereafter  
 2 keeping it in force by proper renewal. This subsection does  
 3 not prevent a vendor from selling a patent or proprietary  
 4 medicine in the original package when plainly labeled, nor  
 5 nonmedical articles usually sold by vendors.

6 (2) The board shall provide for the ~~annual original~~  
 7 ~~registration certification and licensing annual renewal~~ by  
 8 the department of every pharmacy doing business in this  
 9 state. On presentation of evidence satisfactory to the board  
 10 and on application on a form prescribed by the board and on  
 11 the payment of an ~~annual original certification~~ fee of  
 12 ~~twenty-dollars--(\$20)~~ \$100, the department shall issue a  
 13 license to a pharmacy as a "CERTIFIED PHARMACY", however,  
 14 the license may be granted only to pharmacies operated by  
 15 registered pharmacists or registered interns qualified under  
 16 this act. ~~The annual renewal fee for a pharmacy shall be set~~  
 17 ~~by the board in an amount not to exceed \$50.~~ Any default in  
 18 the payment of such renewal fee for a period of ~~thirty--(30)~~  
 19 days after the date the same is due shall increase the  
 20 renewal fee to the sum of ~~forty--dollars--(\$40)~~ \$100. The  
 21 license must be displayed in a conspicuous place in the  
 22 pharmacy for which it is issued, and expires on June 30  
 23 following the date of issue. It is unlawful for a person to  
 24 conduct a pharmacy, use the word pharmacy to identify his  
 25 business, or use the word pharmacy in advertising unless a

1 license has been issued and is in effect.

2 (3) The board may suspend, revoke, or refuse to renew  
 3 a store or pharmacy license obtained by false representation  
 4 or fraud; when the pharmacy for which the license is issued  
 5 is kept open for the transaction of business without a  
 6 pharmacist in charge; when the person to whom the license is  
 7 granted has been convicted of a violation of this act, a  
 8 felony, or a violation of the Federal Food, Drug and  
 9 Cosmetic Act of June 25, 1938, (52 Stats. 1040 through 1059)  
 10 if a natural person, whose pharmacist or intern license has  
 11 been revoked; or when the store or pharmacy is conducted in  
 12 violation of this act. Before a license can be revoked the  
 13 holder is entitled to a hearing by the board."

14 Section 9. Section 66-1826, R.C.M. 1947, is amended to  
 15 read as follows:

16 "66-1826. Powers of board. The board shall have power  
 17 to prescribe, by uniform rule, for the following:

18 (a) The terms and conditions under which a candidate  
 19 who passes one or more subjects of examination may be  
 20 re-examined in only the remaining subjects, with credit for  
 21 the subjects previously passed;

22 (b) A reasonable waiting period for a candidate's  
 23 re-examination in a subject he has failed;

24 (c) The maximum number of re-examinations for which a  
 25 candidate may apply;

1 (d) The fees to be charged each candidate for initial  
 2 examinations and special examinations, ~~not in excess of~~  
 3 ~~fifty dollars (\$50) each, shall be commensurate with costs,~~  
 4 ~~and for~~ With respect to re-examinations, not in excess of  
 5 ten dollars (\$10) a fee commensurate with costs may be  
 6 charged for each subject in which the candidate is  
 7 re-examined."

8 Section 10. Section 66-2909, R.C.M. 1947, is amended  
 9 to read as follows:

10 "66-2909. Renewal of license. A license expires on  
 11 December 31 of each year and shall be renewed then or  
 12 thereafter, by the department, on payment of a renewal fee  
 13 of not less than ~~ten dollars (\$10)~~ or more than ~~twenty-five~~  
 14 ~~dollars (\$25)~~, as set by the board.

15 Any licensee who fails to renew on or before December  
 16 31 of each year shall be required to pay, in addition to the  
 17 renewal fee, a late renewal fee, in an amount not to exceed  
 18 ~~ten dollars (\$10)~~. Failure to so renew within ~~thirty (\$30)~~  
 19 days following December 31 shall be cause for suspension or  
 20 revocation of the license. No license fee or tax may be  
 21 imposed on a massage therapist by a municipality or any  
 22 other political subdivision of the state."

23 Section 11. Section 66-3608, R.C.M. 1947, is amended  
 24 to read as follows:

25 "66-3608. Fees -- earmarked revenue fund -- late

1 renewal fee. (1) The fee for an original electrologist  
 2 license shall not exceed ~~fifty dollars (\$50)~~ as set by the  
 3 board. The renewal shall be automatic, unless revoked or  
 4 suspended for cause, and the renewal fee shall be set by  
 5 the board.

6 (2) The fee for an original electrologist salon  
 7 license shall be the same as that for cosmetology salons.  
 8 The renewal fee shall be the same as that for cosmetology  
 9 salons.

10 (3) All licenses issued under this act expire on  
 11 December 31 and shall be renewed annually. Failure to renew  
 12 on or before December 31 shall cause a late renewal fee of  
 13 \$10 to be added to the regular renewal fee. The right to  
 14 renew by payment of the late renewal fee expires after 3  
 15 years of nonpayment.

16 (4) All fees or moneys collected by the department  
 17 under this act shall be deposited in the earmarked revenue  
 18 fund for the use of the board in administration of the act."

19 Section 12. Section 69-3416, R.C.M. 1947, is amended  
 20 to read as follows:

21 "69-3416. License fees. (1) An applicant for a  
 22 license shall pay a fee of ~~thirty-five dollars (\$35)~~ set by  
 23 the board in an amount commensurate with examination and  
 24 administrative costs.

25 (2) A registered sanitarian may renew his license by

1 paying an annual fee set by the board, not to exceed ten  
2 dollars-~~(\$10)~~.

3 (3) Renewal fees are due July 1 of the renewal year.  
4 If the renewal fee is not payed the license expires.  
5 Licenses which have lapsed for failure to pay renewal fees  
6 may be reissued under rules adopted by the board."

7 Section 13. Effective date. This act is effective on  
8 its passage and approval.

-End-

1 HOUSE BILL NO. 610  
 2 INTRODUCED BY MANUEL  
 3 (BY REQUEST OF THE  
 4 DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING)  
 5  
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR OR  
 7 CHANGE FEES FOR APPLICATION, LICENSE, EXAMINATION, RENEWAL,  
 8 LATE RENEWAL, RECIPROCITY, CERTIFICATION, AND REGISTRATION  
 9 FOR APPLICANTS, LICENSEES, OR REGISTRANTS OF THE BOARDS OF  
 10 HORSE RACING, BARBERS, PODIATRY EXAMINERS, COSMETOLOGISTS,  
 11 MEDICAL EXAMINERS, PHARMACISTS, PUBLIC ACCOUNTANTS, AND  
 12 SANITARIANS OF THE DEPARTMENT OF PROFESSIONAL AND  
 13 OCCUPATIONAL LICENSING; TO DEFINE RECIPROCITY ELIGIBILITY  
 14 FOR BOARD OF COSMETOLOGISTS APPLICANTS AND IMPOSE A FEE; TO  
 15 PROVIDE THAT NO LICENSE FEE OR TAX MAY BE IMPOSED ON  
 16 LICENSED MASSAGE THERAPISTS BY A MUNICIPALITY OR OTHER  
 17 SUBDIVISION OF THE STATE; PROVIDING FOR AN IMMEDIATE  
 18 EFFECTIVE DATE; AMENDING SECTIONS 62-505, 66-411, 66-605,  
 19 66-815, 66-1042, 66-1506, 66-1508, 66-1826, 66-2909,  
 20 66-3628, AND 69-3416, R.C.M. 1947."  
 21  
 22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 23 Section 1. Section 62-505, R.C.M. 1947, is amended to  
 24 read as follows:  
 25 "62-505. Duties of board, department, and licensees --

1 license fee. The board shall adopt rules to govern race  
 2 meets and the parimutuel system. These rules shall include  
 3 the following: definitions, auditing, and supervision of the  
 4 parimutuel system, corrupt practices, supervision, duties  
 5 and responsibilities of the presiding steward, racing  
 6 secretary and other racing officials, licensing of all  
 7 personnel who have anything to do with the substantive  
 8 operation of racing, the establishment of dates for race  
 9 meets and meetings in the best interest of breeding and  
 10 racing in this state, and the veterinary practices and  
 11 standards which must be observed in connection with race  
 12 meets. A person who participates in a race meet shall be  
 13 licensed and charged an annual fee not to exceed ~~ten dollars~~  
 14 ~~(\$10)~~ ~~\$25~~ ~~\$15~~, which shall be paid to the department and  
 15 used for expenses of the board, subject to section  
 16 82A-1503(6). Each person holding a license under this  
 17 chapter, and every owner, trainer, jockey, and attendant at  
 18 a race course in this state, shall comply with this chapter  
 19 and with the rules adopted and orders issued by the board."  
 20 Section 2. Section 66-411, R.C.M. 1947, is amended to  
 21 read as follows:  
 22 "66-411. Fees to be paid by apprentices, students,  
 23 barbers, barbershops and training programs. (1) The fee to  
 24 be paid by an apprentice for an apprentice examination and  
 25 an apprentice card is ~~twenty-five dollars-(\$25)~~. The fee to

1 be paid by an applicant for an examination to determine his  
2 fitness to receive a certificate of registration to practice  
3 barbering is ~~twenty-dollars-(\$20)~~, and for the issuance of  
4 the certificate an additional ~~ten-dollars-(\$10)~~.

5 (2) A person registered as a barber or barber  
6 apprentice shall, before July 1 of each year, pay a license  
7 fee of ~~ten-dollars-(\$10)~~ set by the board in an amount not  
8 to exceed \$25 \$15 and based on clerical and administrative  
9 costs for the renewal of his certificate of registration. If  
10 a barber fails to have the certificate renewed before July 1  
11 of each year the barber shall on renewal of the certificate  
12 of registration pay a penalty of ~~ten-dollars-(\$10)~~, in  
13 addition to the regular renewal fee of ~~ten-dollars-(\$10)~~. If  
14 a certificate of registration is not renewed within ~~one- (1)~~  
15 year after the date of expiration, the barber is not  
16 entitled to have the certificate of registration renewed, or  
17 a new certificate of registration issued, without first  
18 applying for and taking the examination and paying the fees  
19 provided for in this section. However, physically  
20 handicapped persons, trained for the barber profession by  
21 the department of social and rehabilitation services and  
22 certified by that department as having successfully  
23 completed a ~~nine--(9)--month~~ 9-month course in a reputable  
24 barber college are not required to pay fees, and are for a  
25 period of ~~one-(1)~~ year immediately following their training

1 exempt from all except the sanitary provisions of this  
2 chapter. No other or additional license or fee may be  
3 imposed on barbers or barber apprentices by a municipality  
4 or other subdivision of this state.

5 (3) In addition to the fees and charges now provided  
6 by law, barbershops heretofore established, and which have  
7 been under the inspection of the board shall pay an annual  
8 license fee of ~~ten-dollars-(\$10)~~ set by the board in an  
9 amount not to exceed \$25 \$15 and based on clerical and  
10 administrative costs. Barbershops hereafter established  
11 shall pay an initial inspection fee of ~~twenty-dollars-(\$20)~~  
12 ~~\$20~~ \$25 for the first year or portion thereof, and shall pay  
13 an annual license fee of ~~ten-dollars-(\$10)~~ set by the board  
14 in an amount not to exceed \$25 \$15.

15 (4) Barbershop, school, or college licenses expire on  
16 July 1 of each year, following the issuance of the license,  
17 and an owner or manager of a barbershop, school, or college  
18 which continues in active operation shall annually, before  
19 July 1, renew his barbershop, school, or college license and  
20 pay the required fee. A barbershop which fails to have the  
21 license renewed before July 1 of each year shall, on  
22 renewal, pay a penalty of ~~ten-dollars-(\$10)~~, and a barber  
23 school or college which fails to have the license renewed  
24 before July 1 of each year shall, on renewal, pay a penalty  
25 of ~~fifty-five-dollars-(\$55)~~.

1 Any person conducting in this state any advanced barber  
 2 training program, clinic, or seminar for barbers as defined  
 3 in this chapter, shall pay an annual license fee of fifty  
 4 dollars-~~{50}~~ to the department, or a ten-~~{10}~~ day license  
 5 fee of fifteen-dollars-~~{15}~~, and display the license while  
 6 operating. Any such advanced barber training program,  
 7 clinic, or seminar may be inspected by the department at  
 8 reasonable times during operation."

9 Section 3. Section 66-605, R.C.M. 1947, is amended to  
 10 read as follows:

11 "66-605. Designation of licensees -- renewals --  
 12 reissuance of license -- display of license required --  
 13 recording necessary. A license issued under this act shall  
 14 be designated as a "registered podiatrist's license" and may  
 15 not contain any abbreviations thereof, nor any other  
 16 designation or title except that a statement of limitation  
 17 shall be contained in the license referring to the licensee  
 18 as a "registered podiatrist--practice limited to the foot,"  
 19 so as not to mislead the public with respect to their right  
 20 to treat other portions of the body. Licenses shall be  
 21 recorded by the department the same as other medical  
 22 licenses. The person receiving the license shall have it  
 23 recorded in the office of the county clerk in the county in  
 24 which he resides, and the record shall be endorsed on it. If  
 25 the person licensed moves to another county to practice, he

1 shall record the license in the same manner in the county  
 2 into which he moves, and the county clerk is entitled to  
 3 charge and receive the usual fee for making this record. A  
 4 renewal license fee of three-dollars-~~{3}~~ set by the board  
 5 in an amount not to exceed \$25 shall be paid annually on  
 6 July 1 of each year, and if not paid within three-~~{3}~~  
 7 months, the license shall be revoked and may be reissued  
 8 only on original application and payment of a fee of  
 9 thirty-five-dollars-~~{35}~~. Licenses shall be conspicuously  
 10 displayed by podiatrists at their offices or other places of  
 11 practice."

12 Section 4. Section 66-815, R.C.M. 1947, is amended to  
 13 read as follows:

14 "66-815. Fees. Fees for licenses and certificates of  
 15 registration shall be paid to the department not to exceed  
 16 the following respective amounts prescribed by the board.  
 17 (1) A student enrolling in a registered cosmetology school  
 18 shall pay a registration fee of three--dollars--and--fifty  
 19 cents-~~{3.50}~~ \$1 to the department.

20 (2) An applicant for examination to practice shall pay  
 21 at the time of the application a fee of twenty-dollars-~~{20}~~  
 22 \$40.

23 (3) An applicant for examination who is a graduate  
 24 from a cosmetology school of this state may pay a fee of  
 25 four--dollars-~~{4}~~ \$2 for a temporary license to practice as

1 an operator.

2 (4) An applicant for examination to teach shall pay at  
3 the time of the application a fee of ~~thirty-dollars--(\$30)~~  
4 ~~\$60~~.

5 (5) A person practicing cosmetology as an operator  
6 shall pay a fee of ~~six-dollars--(\$6)~~ ~~\$12~~ for the issuance of  
7 a license.

8 (6) An applicant for a manager-operator license shall  
9 pay a fee of ~~ten-dollars--(\$10)~~ ~~\$20~~ for the issuance of a  
10 license.

11 (7) An applicant for an itinerant license as a  
12 cosmetologist shall pay a fee of ~~fifty-dollars--(\$50)~~ ~~\$100~~.

13 (8) A person, firm, copartnership, or corporation  
14 owning, operating, or conducting a cosmetological salon  
15 shall pay the sum of ~~ten-dollars--(\$10)~~ ~~\$20~~ for the issuance  
16 of the certificate of registration.

17 (9) A person teaching or instructing cosmetology shall  
18 pay a fee of ~~ten-dollars--(\$10)~~ ~~\$20~~ for the issuance of a  
19 license.

20 (10) A person, firm, copartnership, or corporation  
21 owning, operating, or conducting a school of cosmetology  
22 shall pay the sum of ~~fifty-dollars--(\$50)~~ ~~\$100~~ for a  
23 certificate of registration.

24 (11) A person, firm, copartnership, or corporation  
25 owning, operating, or conducting an advanced school of

1 cosmetology shall pay the sum of ~~fifty-dollars--(\$50)~~ ~~\$100~~  
2 for a certificate of registration.

3 (12) A person, firm, copartnership, or corporation  
4 owning, operating, or conducting a teacher-training unit in  
5 a school of cosmetology shall pay the sum of ~~fifty--dollars~~  
6 ~~(\$50)~~ ~~\$100~~ for a certificate of registration.

7 (13) An applicant for reciprocity licensure shall pay a  
8 fee of \$100.

9 ~~(13)~~ (14) Duplicate licenses or certificates of  
10 registration shall be issued on payment of ~~two-dollars--(\$2)~~  
11 ~~\$4~~ and proof of necessity. The license and registration fees  
12 shall be paid annually, unless otherwise provided by board  
13 rules in advance to the department. No other or additional  
14 license or registration fee may be imposed by a municipal  
15 corporation or other political subdivision of this state for  
16 the practice or teaching of cosmetology."

17 Section 5. There is a new R.C.M. section that reads as  
18 follows:

19 Reciprocity. A person who is licensed to practice  
20 cosmetology in another state may be eligible for reciprocity  
21 licensing in this state if he fulfills the requirements of  
22 this chapter and the rules adopted under it, other than  
23 those relating to examination. However, he may be licensed  
24 without examination only if the state in which he is  
25 licensed grants the same privilege to persons licensed in

1 this state who seek licensure as a cosmetologist in that  
2 state.

3 Section 6. Section 66-1042, R.C.M. 1947, is amended to  
4 read as follows:

5 "66-1042. Annual registration fees -- limiting  
6 authority to impose registration fees. (1) In addition to  
7 the license fees required of applicants, a licensed  
8 physician actively practicing medicine in this state shall  
9 pay each year to the department, an annual registration fee,  
10 not to exceed the sum of ~~twenty-five dollars--(\$25)~~ \$100, as  
11 prescribed by the board ~~and approved by the department of~~  
12 ~~administration~~. If a person licensed to practice medicine  
13 absents himself from the state for a period of ~~one--(1)~~ or  
14 more years, or does not engage in active practice in this  
15 state, he may continue his license in good standing by the  
16 payment each year of five--dollars--(\$5) each year a fee  
17 prescribed by the board in an amount not to exceed \$50, or  
18 at the discretion of the board, he may be reinstated on the  
19 payment of a fee of ~~five dollars--(\$5)~~ not to exceed \$50 for  
20 each year of absence or inactive practice.

21 (2) The annual payments for registration shall be made  
22 prior to April 1, and a receipt acknowledging payment of the  
23 annual registration fee shall be issued by the department.  
24 The department shall mail registration notices, at least  
25 ~~sixty--(60)~~ days before the registration is due. In case of

1 default in the payment of the annual registration fee by a  
2 person licensed to practice medicine who is actively  
3 practicing medicine in this state, his underlying  
4 certificate to practice medicine may be revoked by the board  
5 on ~~thirty--(30)~~ days' notice given to the delinquent of the  
6 time and place of considering the revocation. A registered  
7 or certified letter addressed to the last known address of  
8 the person failing to comply with the requirements of annual  
9 registration, as the address appears on the records of the  
10 department, constitutes sufficient notice of intention to  
11 revoke his underlying certificate. No certificate may be  
12 revoked for nonpayment if the person authorized to practice  
13 medicine, and notified, pays the annual registration fee  
14 before or at the time fixed for consideration of revocation  
15 together with a delinquency penalty of ~~ten--dollars--(\$10)~~.  
16 The department may collect the dues by an action at law.

17 (3) No registration or license fee may be imposed on a  
18 licensee under this act by a municipality or any other  
19 subdivision of the state."

20 Section 7. Section 66-1506, R.C.M. 1947, is amended to  
21 read as follows:

22 "66-1506. Examination of applicants for registration  
23 -- fees -- certificates. (1) The board shall meet at least  
24 once a year to transact its business. The department shall  
25 give reasonable notice of examinations by mail to known



1 applicants. The department shall record the names of persons  
 2 examined together with the grounds on which the right of  
 3 each to examination was claimed and also the names of  
 4 persons registered by examination or otherwise. The fee for  
 5 an examination ~~is twenty-five dollars (\$25)~~ shall be set by  
 6 ~~the board at a figure commensurate with costs,~~ which fee  
 7 may, in the discretion of the board, be returned to  
 8 applicants not taking the examination.

9 (2) On again making payment of the fee an applicant  
 10 who fails is entitled to take the next succeeding  
 11 examination free of charge.

12 (3) The fee for registration by reciprocity is ~~one~~  
 13 ~~hundred-dollars-(\$100)~~ \$200.

14 (4) To be entitled to examination as a pharmacist, the  
 15 applicant shall be a citizen of the United States, of good  
 16 moral character, and a graduate of the school of pharmacy of  
 17 the university of Montana or of a college or school of  
 18 pharmacy recognized and approved by, or a member of, the  
 19 American association of colleges of pharmacy, but the  
 20 applicant may not receive a registered pharmacist's license  
 21 until he has complied with the internship requirements  
 22 established by the board. During this period, if the  
 23 applicant has passed the examination, he shall be licensed  
 24 as an intern only.

25 (5) The board may, in its discretion, authorize the

1 department to grant registration without examination, to a  
 2 pharmacist licensed by a board of pharmacy or a similar  
 3 board of another state which accords similar recognition to  
 4 licensees of this state, if the requirements for  
 5 registration in the other state are, in the opinion of the  
 6 board, equivalent to the requirements of this act. Every  
 7 person licensed and registered under this act shall receive  
 8 from the department an appropriate certificate attesting the  
 9 fact, which shall be conspicuously displayed at all times in  
 10 his place of business. If the holder is entitled to manage  
 11 or conduct a pharmacy in this state for himself or another,  
 12 the fact shall be set forth in the certificate."

13 Section 8. Section 66-1508, R.C.M. 1947, is amended to  
 14 read as follows:

15 "66-1508. Store license -- certified pharmacy license  
 16 -- suspension or revocation. (1) The department shall on  
 17 application on forms prescribed by the board and on the  
 18 payment of an annual fee of ~~five-dollars-(\$5)~~ \$10, license  
 19 stores other than a pharmacy in which are sold ordinary  
 20 household or medicinal drugs prepared in sealed packages or  
 21 bottles by a manufacturer, qualified under the laws of the  
 22 state in which the manufacturer resides. The name and  
 23 address of the manufacturer shall appear conspicuously on  
 24 each package sold by the licensee. It is unlawful for a  
 25 store to sell, deliver, or give away household medicinal

1 drugs, without first having secured a license and thereafter  
 2 keeping it in force by proper renewal. This subsection does  
 3 not prevent a vendor from selling a patent or proprietary  
 4 medicine in the original package when plainly labeled, nor  
 5 nonmedical articles usually sold by vendors.

6 (2) The board shall provide for the ~~annual~~ original  
 7 registration certification and ~~licensing~~ annual renewal by  
 8 the department of every pharmacy doing business in this  
 9 state. On presentation of evidence satisfactory to the board  
 10 and on application on a form prescribed by the board and on  
 11 the payment of an ~~annual~~ original certification fee of  
 12 ~~twenty-dollars-(\$20)~~ \$100, the department shall issue a  
 13 license to a pharmacy as a "CERTIFIED PHARMACY", however,  
 14 the license may be granted only to pharmacies operated by  
 15 registered pharmacists or registered interns qualified under  
 16 this act. The annual renewal fee for a pharmacy shall be set  
 17 by the board in an amount not to exceed \$50. Any default in  
 18 the payment of such renewal fee for a period of ~~thirty--(30)~~  
 19 days after the date the same is due shall increase the  
 20 renewal fee to the sum of ~~forty--dollars--(\$40)~~ \$100. The  
 21 license must be displayed in a conspicuous place in the  
 22 pharmacy for which it is issued, and expires on June 30  
 23 following the date of issue. It is unlawful for a person to  
 24 conduct a pharmacy, use the word pharmacy to identify his  
 25 business, or use the word pharmacy in advertising unless a

1 license has been issued and is in effect.

2 (3) The board may suspend, revoke, or refuse to renew  
 3 a store or pharmacy license obtained by false representation  
 4 or fraud; when the pharmacy for which the license is issued  
 5 is kept open for the transaction of business without a  
 6 pharmacist in charge; when the person to whom the license is  
 7 granted has been convicted of a violation of this act, a  
 8 felony, or a violation of the Federal Food, Drug and  
 9 Cosmetic Act of June 25, 1938, (52 Stats. 1040 through 1059)  
 10 if a natural person, whose pharmacist or intern license has  
 11 been revoked; or when the store or pharmacy is conducted in  
 12 violation of this act. Before a license can be revoked the  
 13 holder is entitled to a hearing by the board."

14 Section 9. Section 66-1826, R.C.M. 1947, is amended to  
 15 read as follows:

16 "66-1826. Powers of board. The board shall have power  
 17 to prescribe, by uniform rule, for the following:

18 (a) The terms and conditions under which a candidate  
 19 who passes one or more subjects of examination may be  
 20 re-examined in only the remaining subjects, with credit for  
 21 the subjects previously passed;

22 (b) A reasonable waiting period for a candidate's  
 23 re-examination in a subject he has failed;

24 (c) The maximum number of re-examinations for which a  
 25 candidate may apply;

1 (d) The fees to be charged each candidate for initial  
 2 examinations and special examinations, ~~not in excess of~~  
 3 ~~fifty dollars (\$50) each, shall be commensurate with costs,~~  
 4 ~~and for~~ With respect to re-examinations, not in excess of  
 5 ten dollars (\$10) a fee commensurate with costs may be  
 6 charged for each subject in which the candidate is  
 7 re-examined."

8 Section 10. Section 66-2909, R.C.M. 1947, is amended  
 9 to read as follows:

10 "66-2909. Renewal of license. A license expires on  
 11 December 31 of each year and shall be renewed then or  
 12 thereafter, by the department, on payment of a renewal fee  
 13 of not less than ~~ten dollars (\$10)~~ or more than ~~twenty-five~~  
 14 ~~dollars (\$25)~~, as set by the board.

15 Any licensee who fails to renew on or before December  
 16 31 of each year shall be required to pay, in addition to the  
 17 renewal fee, a late renewal fee, in an amount not to exceed  
 18 ~~ten dollars (\$10)~~. Failure to so renew within ~~thirty (30)~~  
 19 days following December 31 shall be cause for suspension or  
 20 revocation of the license. No license fee or tax may be  
 21 imposed on a massage therapist by a municipality or any  
 22 other political subdivision of the state."

23 Section 11. Section 66-3608, R.C.M. 1947, is amended  
 24 to read as follows:

25 "66-3608. Fees -- earmarked revenue fund -- late

1 renewal fee. (1) The fee for an original electrologist  
 2 license shall not exceed ~~fifty dollars (\$50)~~ as set by the  
 3 board. The renewal shall be automatic, unless revoked or  
 4 suspended for cause, and the renewal fee shall be set by  
 5 the board.

6 (2) The fee for an original electrologist salon  
 7 license shall be the same as that for cosmetology salons.  
 8 The renewal fee shall be the same as that for cosmetology  
 9 salons.

10 (3) All licenses issued under this act expire on  
 11 December 31 and shall be renewed annually. Failure to renew  
 12 on or before December 31 shall cause a late renewal fee of  
 13 \$10 to be added to the regular renewal fee. The right to  
 14 renew by payment of the late renewal fee expires after 3  
 15 years of nonpayment.

16 (4) All fees or moneys collected by the department  
 17 under this act shall be deposited in the earmarked revenue  
 18 fund for the use of the board in administration of the act."

19 Section 12. Section 69-3416, R.C.M. 1947, is amended  
 20 to read as follows:

21 "69-3416. License fees. (1) An applicant for a  
 22 license shall pay a fee of ~~thirty-five dollars (\$35)~~ set by  
 23 the board in an amount commensurate with examination and  
 24 administrative costs.

25 (2) A registered sanitarian may renew his license by

1 paying an annual fee set by the board, not to exceed ten  
2 dollars-(\$10).

3 • (3) Renewal fees are due July 1 of the renewal year.

4 If the renewal fee is not payed the license expires.

5 Licenses which have lapsed for failure to pay renewal fees

6 may be reissued under rules adopted by the board.\*

7 Section 13. Effective date. This act is effective on

8 its passage and approval.

-End-

March 29, 1977

STANDING COMMITTEE REPORT  
Senate Committee on Business & Industry

That House Bill No. 610 be amended as follows:

1. Amend title, line 11.  
Following: "ACCOUNTANTS,"  
Insert: "REAL ESTATE"

2. Amend title, line 16.  
Following: Line 15  
Strike: "LICENSED MASSAGE THERAPISTS"  
Insert: "REAL ESTATE BROKERS OR SALESMEN"

3. Amend title, line 17.  
Following: "STATE;"  
Insert: "LIMITING TRAVEL AUTHORITY OF THE BOARD OF REAL ESTATE;  
SPECIFYING THE DIRECTOR'S AUTHORITY OVER CONTRACTS AND  
EXPENDITURES;"

4. Amend title, line 19.  
Following: "66-1826,"  
Insert: "66-1934,"

5. Amend title, line 20.  
Following: "66-3608,"  
Strike: "AND 69-3416"  
Insert: "69-3416, AND 82A-1604"

6. Amend page 15, section 10, lines 20 through 23.  
Following: "license."  
Strike: The last sentence in section 10 in its entirety.

7. Amend page 17, section 12, line 6.  
Following: Line 6.  
Insert: "Section 13. Section 66-1934, R.C.M. 1947, is amended to read  
as follows:

'66-1934. Fees--when due. (1) The following fees shall be charged by the department and paid into the earmarked revenue fund for the use of the board, subject to section 82A-1603(6):

(a) For each examination, a fee not to exceed ~~fifty-dollars~~ ~~(\$50)~~; \$25.

(b) For each original resident broker's license issued, a fee not to exceed fifty dollars (\$50).

(c) For each annual renewal of a resident broker's license, a fee not to exceed ~~fifty-dollars-(\$50)~~; \$30.

(d) For each original nonresident broker's license issued, a fee not to exceed fifty dollars (\$50).

(e) For each annual renewal of a nonresident broker's license, a fee not to exceed ~~fifty-dollars-(\$50)~~; \$30.

(f) For each original salesman's license issued, a fee not to exceed twenty-five dollars (\$25).

(g) For each annual renewal of a salesman's license, a fee not to exceed ~~twenty-five-dollars-(\$25)~~; \$15.

(h) For each additional office or place of business, an annual fee not to exceed twenty-five dollars (\$25).

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Page 2

House Bill No. 610

(i) For each change of place of business or change of employer or contractual associate, a fee not to exceed ~~twenty-five-dollars~~ ~~(\$25)~~ \$15.

(j) For each duplicate license, where the original license is lost or destroyed and affidavit is made, a fee not to exceed ten dollars (\$10).

(k) For each duplicate pocket card, where the original pocket card is lost or destroyed and affidavit is made, a fee not to exceed ten dollars (\$10).

(2) The board shall adopt a schedule of fees within the limits set by this section. However, a fee once set for one of the items for which a fee is charged cannot be increased or decreased until at least one (1) year has passed since the fee for that particular item was last increased or decreased.

(3) Annual fees are due and payable for the ensuing year during the month of December of each year. Failure to remit annual fees before January 1 automatically cancels the license, but otherwise the license remains in effect continuously from the date of issuance, unless suspended or revoked by the board for just cause.

(4) No license fee or tax may be imposed on a real estate broker or salesman by a municipality or any other political subdivision of the state, other than principal place of business.

(5) No member of the board may be reimbursed from the board's earmarked revenue fund for travel outside the state on business of the board. ' '

"Section 14. Section 82A-1604, R.C.M. 1947, is amended to read as follows:

'82A-1604. Director--duties. In addition to his powers and duties under sections 82A-107 and 82A-108 of this act, the director shall:

(1) Appoint impartial legal counsel to conduct hearings before each board within the department whenever any board holds a hearing. The legal counsel appointed shall see that hearings are conducted in a proper and legal manner.

(2) Whenever the department conducts an investigation of a complaint of illegal or unethical conduct of a member of a particular profession or occupation as prescribed in section 82A-1603(5) of this chapter, and if requested by the appropriate board, appoint an impartial member of that profession or occupation to assist the department in its investigation. The member so appointed may not be a member of the board having jurisdiction over the particular profession or occupation.

(3) Hire all personnel to perform the administrative and clerical functions of the department for the boards. Boards within the department have no authority to hire personnel.

(4) Approve all contracts and expenditures by boards within the department. No board within the department may enter into a contract or expend funds without the approval of the director. ' '

Renumber: Following section.

March 31, 1977

SENATE  
COMMITTEE OF THE WHOLE

That House Bill No. 610 be amended as follows:

1. Amend amendment No. 7, insertion paragraph, subsection (4).  
Following: "state"  
Strike: ", other than principal place of business"

1 HOUSE BILL NO. 610  
 2 INTRODUCED BY MANUEL  
 3 (BY REQUEST OF THE  
 4 DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING)  
 5  
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR OR  
 7 CHANGE FEES FOR APPLICATION, LICENSE, EXAMINATION, RENEWAL,  
 8 LATE RENEWAL, RECIPROCIITY, CERTIFICATION, AND REGISTRATION  
 9 FOR APPLICANTS, LICENSEES, OR REGISTRANTS OF THE BOARDS OF  
 10 HORSE RACING, BARBERS, PODIATRY EXAMINERS, COSMETOLOGISTS,  
 11 MEDICAL EXAMINERS, PHARMACISTS, PUBLIC ACCOUNTANTS, REAL  
 12 ESTATE AND SANITARIANS OF THE DEPARTMENT OF PROFESSIONAL AND  
 13 OCCUPATIONAL LICENSING; TO DEFINE RECIPROCIITY ELIGIBILITY  
 14 FOR BOARD OF COSMETOLOGISTS APPLICANTS AND IMPOSE A FEE; TO  
 15 PROVIDE THAT NO LICENSE FEE OR TAX MAY BE IMPOSED ON  
 16 ~~LICENSED--MASSAGE-THERAPISTS~~ REAL ESTATE BROKERS OR SALESMEN  
 17 BY A MUNICIPALITY OR OTHER SUBDIVISION OF THE STATE;  
 18 LIMITING TRAVEL AUTHORITY OF THE BOARD OF REAL ESTATE;  
 19 SPECIFYING THE DIRECTOR'S AUTHORITY OVER CONTRACTS AND  
 20 EXPENDITURES; PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE;  
 21 AMENDING SECTIONS 62-505, 66-411, 66-605, 66-815, 66-1042,  
 22 66-1506, 66-1508, 66-1826, ~~66-1934~~, 66-2909, 66-3608, AND  
 23 69-3416, AND 82A-1604, R.C.M. 1947."  
 24  
 25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

1 Section 1. Section 62-505, R.C.M. 1947, is amended to  
 2 read as follows:  
 3 "62-505. Duties of board, department, and licensees --  
 4 license fee. The board shall adopt rules to govern race  
 5 meets and the parimutuel system. These rules shall include  
 6 the following: definitions, auditing, and supervision of the  
 7 parimutuel system, corrupt practices, supervision, duties  
 8 and responsibilities of the presiding steward, racing  
 9 secretary and other racing officials, licensing of all  
 10 personnel who have anything to do with the substantive  
 11 operation of racing, the establishment of dates for race  
 12 meets and meetings in the best interest of breeding and  
 13 racing in this state, and the veterinary practices and  
 14 standards which must be observed in connection with race  
 15 meets. A person who participates in a race meet shall be  
 16 licensed and charged an annual fee not to exceed ~~ten dollars~~  
 17 ~~(\$10)~~ \$25 \$15, which shall be paid to the department and  
 18 used for expenses of the board, subject to section  
 19 82A-1603(6). Each person holding a license under this  
 20 chapter, and every owner, trainer, jockey, and attendant at  
 21 a race course in this state, shall comply with this chapter  
 22 and with the rules adopted and orders issued by the board."  
 23 Section 2. Section 66-411, R.C.M. 1947, is amended to  
 24 read as follows:  
 25 "66-411. Fees to be paid by apprentices, students,



1 barbers, barbershops and training programs. (1) The fee to  
 2 be paid by an apprentice for an apprentice examination and  
 3 an apprentice card is ~~twenty-five dollars-(\$25)~~. The fee to  
 4 be paid by an applicant for an examination to determine his  
 5 fitness to receive a certificate of registration to practice  
 6 barbering is ~~twenty dollars-(\$20)~~, and for the issuance of  
 7 the certificate an additional ~~ten-dollars-(\$10)~~.

3 (2) A person registered as a barber or barber  
 9 apprentice shall, before July 1 of each year, pay a license  
 10 fee ~~of-ten-dollars-(\$10) set by the board in an amount not~~  
 11 ~~to exceed \$25 \$15 and based on clerical and administrative~~  
 12 ~~costs~~ for the renewal of his certificate of registration. If  
 13 a barber fails to have the certificate renewed before July 1  
 14 of each year the barber shall on renewal of the certificate  
 15 of registration pay a penalty of ~~ten--dollars--(\$10)~~, in  
 16 addition to the regular ~~renewal~~ fee of ~~ten-dollars-(\$10)~~. If  
 17 a certificate of registration is not renewed within ~~one-(1)~~  
 18 year after the date of expiration, the barber is not  
 19 entitled to have the certificate of registration renewed, or  
 20 a new certificate of registration issued, without first  
 21 applying for and taking the examination and paying the fees  
 22 provided for in this section. However, physically  
 23 handicapped persons, trained for the barber profession by  
 24 the department of social and rehabilitation services and  
 25 certified by that department as having successfully

1 completed a ~~nine--(9)--month~~ ~~2-month~~ course in a reputable  
 2 barber college are not required to pay fees, and are for a  
 3 period of ~~one-(1)~~ year immediately following their training  
 4 exempt from all except the sanitary provisions of this  
 5 chapter. No other or additional license or fee may be  
 6 imposed on barbers or barber apprentices by a municipality  
 7 or other subdivision of this state.

8 (3) In addition to the fees and charges now provided  
 9 by law, barbershops heretofore established, and which have  
 10 been under the inspection of the board shall pay an annual  
 11 license fee ~~of-ten-dollars-(\$10) set by the board in an~~  
 12 ~~amount not to exceed \$25 \$15 and based on clerical and~~  
 13 ~~administrative costs~~. Barbershops hereafter established  
 14 shall pay an initial inspection fee of ~~twenty-dollars-(\$20)~~  
 15 ~~\$10 \$25~~ for the first year or portion thereof, and shall pay  
 16 an annual license fee ~~of-ten-dollars-(\$10) set by the board~~  
 17 ~~in an amount not to exceed \$25 \$15~~.

18 (4) Barbershop, school, or college licenses expire on  
 19 July 1 of each year, following the issuance of the license,  
 20 and an owner or manager of a barbershop, school, or college  
 21 which continues in active operation shall annually, before  
 22 July 1, renew his barbershop, school, or college license and  
 23 pay the required fee. A barbershop which fails to have the  
 24 license renewed before July 1 of each year shall, on  
 25 renewal, pay a penalty of ~~ten-dollars-(\$10)~~, and a barber

1 school or college which fails to have the license renewed  
 2 before July 1 of each year shall, on renewal, pay a penalty  
 3 of ~~fifty-five-dollars-(\$55)~~.

4 Any person conducting in this state any advanced barber  
 5 training program, clinic, or seminar for barbers as defined  
 6 in this chapter, shall pay an annual license fee of ~~fifty~~  
 7 ~~dollars-(\$50)~~ to the department, or a ~~ten-(10)~~ day license  
 8 fee of ~~fifteen-dollars-(\$15)~~, and display the license while  
 9 operating. Any such advanced barber training program,  
 10 clinic, or seminar may be inspected by the department at  
 11 reasonable times during operation."

12 Section 3. Section 66-605, R.C.M. 1947, is amended to  
 13 read as follows:

14 "66-605. Designation of licensees -- renewals --  
 15 reissuance of license -- display of license required --  
 16 recording necessary. A license issued under this act shall  
 17 be designated as a "registered podiatrist's license" and may  
 18 not contain any abbreviations thereof, nor any other  
 19 designation or title except that a statement of limitation  
 20 shall be contained in the license referring to the licensee  
 21 as a "registered podiatrist--practice limited to the foot,"  
 22 so as not to mislead the public with respect to their right  
 23 to treat other portions of the body. Licenses shall be  
 24 recorded by the department the same as other medical  
 25 licenses. The person receiving the license shall have it

1 recorded in the office of the county clerk in the county in  
 2 which he resides, and the record shall be endorsed on it. If  
 3 the person licensed moves to another county to practice, he  
 4 shall record the license in the same manner in the county  
 5 into which he moves, and the county clerk is entitled to  
 6 charge and receive the usual fee for making this record. A  
 7 renewal license fee of ~~three-dollars-(\$3)~~ set by the board  
 8 in an amount not to exceed \$25 shall be paid annually on  
 9 July 1 of each year, and if not paid within ~~three-(3)~~  
 10 months, the license shall be revoked and may be reissued  
 11 only on original application and payment of a fee of  
 12 ~~thirty-five-dollars-(\$35)~~. Licenses shall be conspicuously  
 13 displayed by podiatrists at their offices or other places of  
 14 practice."

15 Section 4. Section 66-815, R.C.M. 1947, is amended to  
 16 read as follows:

17 "66-815. Fees. Fees for licenses and certificates of  
 18 registration shall be paid to the department not to exceed  
 19 the following respective amounts prescribed by the board.  
 20 (1) A student enrolling in a registered cosmetology school  
 21 shall pay a registration fee of ~~three--dollars--and--fifty~~  
 22 ~~cents-(\$3.50)~~ \$7 to the department.

23 (2) An applicant for examination to practice shall pay  
 24 at the time of the application a fee of ~~twenty-dollars-(\$20)~~  
 25 \$40.

1 (3) An applicant for examination who is a graduate  
 2 from a cosmetology school of this state may pay a fee of  
 3 ~~four--dollars--(\$4)~~ \$8 for a temporary license to practice as  
 4 an operator.

5 (4) An applicant for examination to teach shall pay at  
 6 the time of the application a fee of ~~thirty--dollars--(\$30)~~  
 7 \$60.

8 (5) A person practicing cosmetology as an operator  
 9 shall pay a fee of ~~six--dollars--(\$6)~~ \$12 for the issuance of  
 10 a license.

11 (6) An applicant for a manager-operator license shall  
 12 pay a fee of ~~ten--dollars--(\$10)~~ \$20 for the issuance of a  
 13 license.

14 (7) An applicant for an itinerant license as a  
 15 cosmetologist shall pay a fee of ~~fifty--dollars--(\$50)~~ \$100.

16 (8) A person, firm, copartnership, or corporation  
 17 owning, operating, or conducting a cosmetological salon  
 18 shall pay the sum of ~~ten--dollars--(\$10)~~ \$20 for the issuance  
 19 of the certificate of registration.

20 (9) A person teaching or instructing cosmetology shall  
 21 pay a fee of ~~ten--dollars--(\$10)~~ \$20 for the issuance of a  
 22 license.

23 (10) A person, firm, copartnership, or corporation  
 24 owning, operating, or conducting a school of cosmetology  
 25 shall pay the sum of ~~fifty--dollars--(\$50)~~ \$100 for a

1 certificate of registration.

2 (11) A person, firm, copartnership, or corporation  
 3 owning, operating, or conducting an advanced school of  
 4 cosmetology shall pay the sum of ~~fifty--dollars--(\$50)~~ \$100  
 5 for a certificate of registration.

6 (12) A person, firm, copartnership, or corporation  
 7 owning, operating, or conducting a teacher-training unit in  
 8 a school of cosmetology shall pay the sum of ~~fifty--dollars~~  
 9 ~~(\$50)~~ \$100 for a certificate of registration.

10 (13) An applicant for reciprocity licensure shall pay a  
 11 fee of \$100.

12 ~~(13)(14)~~ Duplicate licenses or certificates of  
 13 registration shall be issued on payment of ~~two--dollars--(\$2)~~  
 14 \$4 and proof of necessity. The license and registration fees  
 15 shall be paid annually, unless otherwise provided by board  
 16 rule, in advance to the department. No other or additional  
 17 license or registration fee may be imposed by a municipal  
 18 corporation or other political subdivision of this state for  
 19 the practice or teaching of cosmetology."

20 Section 5. There is a new R.C.M. section that reads as  
 21 follows:

22 Reciprocity. A person who is licensed to practice  
 23 cosmetology in another state may be eligible for reciprocity  
 24 licensing in this state if he fulfills the requirements of  
 25 this chapter and the rules adopted under it, other than

1 those relating to examination. However, he may be licensed  
 2 without examination only if the state in which he is  
 3 licensed grants the same privilege to persons licensed in  
 4 this state who seek licensure as a cosmetologist in that  
 5 state.

6 Section 66-1042, R.C.M. 1947, is amended to  
 7 read as follows:

8 "66-1042. Annual registration fees -- limiting  
 9 authority to impose registration fees. (1) In addition to  
 10 the license fees required of applicants, a licensed  
 11 physician actively practicing medicine in this state shall  
 12 pay each year to the department, an annual registration fee,  
 13 not to exceed the sum of ~~twenty-five dollars--(\$25)~~ \$100, as  
 14 prescribed by the board ~~and approved by the department of~~  
 15 ~~administration~~. If a person licensed to practice medicine  
 16 absents himself from the state for a period of ~~one--(1)~~ or  
 17 more years, or does not engage in active practice in this  
 18 state, he may continue his license in good standing by the  
 19 payment each year of ~~five--dollars--(\$5)~~ each year a fee  
 20 prescribed by the board in an amount not to exceed \$50, or  
 21 at the discretion of the board, he may be reinstated on the  
 22 payment of a fee of ~~five--dollars--(\$5)~~ not to exceed \$50 for  
 23 each year of absence or inactive practice.

24 (2) The annual payments for registration shall be made  
 25 prior to April 1, and a receipt acknowledging payment of the

1 annual registration fee shall be issued by the department.  
 2 The department shall mail registration notices, at least  
 3 ~~sixty--(60)~~ days before the registration is due. In case of  
 4 default in the payment of the annual registration fee by a  
 5 person licensed to practice medicine who is actively  
 6 practicing medicine in this state, his underlying  
 7 certificate to practice medicine may be revoked by the board  
 8 on ~~thirty--(30)~~ days' notice given to the delinquent of the  
 9 time and place of considering the revocation. A registered  
 10 or certified letter addressed to the last known address of  
 11 the person failing to comply with the requirements of annual  
 12 registration, as the address appears on the records of the  
 13 department, constitutes sufficient notice of intention to  
 14 revoke his underlying certificate. No certificate may be  
 15 revoked for nonpayment if the person authorized to practice  
 16 medicine, and notified, pays the annual registration fee  
 17 before or at the time fixed for consideration of revocation  
 18 together with a delinquency penalty of ~~ten--dollars--(\$10)~~.  
 19 The department may collect the dues by an action at law.

20 (3) No registration or license fee may be imposed on a  
 21 licensee under this act by a municipality or any other  
 22 subdivision of the state."

23 Section 7. Section 66-1506, R.C.M. 1947, is amended to  
 24 read as follows:

25 "66-1506. Examination of applicants for registration

1 -- fees -- certificates. (1) The board shall meet at least  
 2 once a year to transact its business. The department shall  
 3 give reasonable notice of examinations by mail to known  
 4 applicants. The department shall record the names of persons  
 5 examined together with the grounds on which the right of  
 6 each to examination was claimed and also the names of  
 7 persons registered by examination or otherwise. The fee for  
 8 an examination ~~is twenty-five dollars-(\$25)~~ shall be set by  
 9 the board at a figure commensurate with costs, which fee  
 10 may, in the discretion of the board, be returned to  
 11 applicants not taking the examination.

12 (2) On again making payment of the fee an applicant  
 13 who fails is entitled to take the next succeeding  
 14 examination free of charge.

15 (3) The fee for registration by reciprocity is ~~one~~  
 16 ~~hundred-dollars-(\$100)~~ \$200.

17 (4) To be entitled to examination as a pharmacist, the  
 18 applicant shall be a citizen of the United States, of good  
 19 moral character, and a graduate of the school of pharmacy of  
 20 the university of Montana or of a college or school of  
 21 pharmacy recognized and approved by, or a member of, the  
 22 American association of colleges of pharmacy, but the  
 23 applicant may not receive a registered pharmacist's license  
 24 until he has complied with the internship requirements  
 25 established by the board. During this period, if the

1 applicant has passed the examination, he shall be licensed  
 2 as an intern only.

3 (5) The board may, in its discretion, authorize the  
 4 department to grant registration without examination, to a  
 5 pharmacist licensed by a board of pharmacy or a similar  
 6 board of another state which accords similar recognition to  
 7 licensees of this state, if the requirements for  
 8 registration in the other state are, in the opinion of the  
 9 board, equivalent to the requirements of this act. Every  
 10 person licensed and registered under this act shall receive  
 11 from the department an appropriate certificate attesting the  
 12 fact, which shall be conspicuously displayed at all times in  
 13 his place of business. If the holder is entitled to manage  
 14 or conduct a pharmacy in this state for himself or another,  
 15 the fact shall be set forth in the certificate."

16 Section 8. Section 66-1508, R.C.M. 1947, is amended to  
 17 read as follows:

18 "66-1508. Store license -- certified pharmacy license  
 19 -- suspension or revocation. (1) The department shall on  
 20 application on forms prescribed by the board and on the  
 21 payment of an annual fee of ~~five-dollars-(\$5)~~ \$10, license  
 22 stores other than a pharmacy in which are sold ordinary  
 23 household or medicinal drugs prepared in sealed packages or  
 24 bottles by a manufacturer, qualified under the laws of the  
 25 state in which the manufacturer resides. The name and

1 address of the manufacturer shall appear conspicuously on  
 2 each package sold by the licensee. It is unlawful for a  
 3 store to sell, deliver, or give away household medicinal  
 4 drugs, without first having secured a license and thereafter  
 5 keeping it in force by proper renewal. This subsection does  
 6 not prevent a vendor from selling a patent or proprietary  
 7 medicine in the original package when plainly labeled, nor  
 8 nonmedical articles usually sold by vendors.

9 (2) The board shall provide for the ~~annual original~~  
 10 ~~registration certification~~ and ~~licensing annual renewal~~ by  
 11 the department of every pharmacy doing business in this  
 12 state. On presentation of evidence satisfactory to the board  
 13 and on application on a form prescribed by the board and on  
 14 the payment of an ~~annual original certification~~ fee of  
 15 ~~twenty-dollars--(\$20)~~ \$100, the department shall issue a  
 16 license to a pharmacy as a "CERTIFIED PHARMACY", however,  
 17 the license may be granted only to pharmacies operated by  
 18 registered pharmacists or registered interns qualified under  
 19 this act. ~~The annual renewal fee for a pharmacy shall be set~~  
 20 ~~by the board in an amount not to exceed \$50.~~ Any default in  
 21 the payment of such renewal fee for a period of ~~thirty--(30)~~  
 22 days after the date the same is due shall increase the  
 23 renewal fee to the sum of ~~forty--dollars--(\$40)~~ \$100. The  
 24 license must be displayed in a conspicuous place in the  
 25 pharmacy for which it is issued, and expires on June 30

1 following the date of issue. It is unlawful for a person to  
 2 conduct a pharmacy, use the word pharmacy to identify his  
 3 business, or use the word pharmacy in advertising unless a  
 4 license has been issued and is in effect.

5 (3) The board may suspend, revoke, or refuse to renew  
 6 a store or pharmacy license obtained by false representation  
 7 or fraud; when the pharmacy for which the license is issued  
 8 is kept open for the transaction of business without a  
 9 pharmacist in charge; when the person to whom the license is  
 10 granted has been convicted of a violation of this act, a  
 11 felony, or a violation of the Federal Food, Drug and  
 12 Cosmetic Act of June 25, 1938, (52 Stats. 1040 through 1059)  
 13 if a natural person, whose pharmacist or intern license has  
 14 been revoked; or when the store or pharmacy is conducted in  
 15 violation of this act. Before a license can be revoked the  
 16 holder is entitled to a hearing by the board."

17 Section 9. Section 66-1826, R.C.M. 1947, is amended to  
 18 read as follows:

19 "66-1826. Powers of board. The board shall have power  
 20 to prescribe, by uniform rule, for the following:

21 (a) The terms and conditions under which a candidate  
 22 who passes one or more subjects of examination may be  
 23 re-examined in only the remaining subjects, with credit for  
 24 the subjects previously passed;

25 (b) A reasonable waiting period for a candidate's

1 re-examination in a subject ne has failed;

2 (c) The maximum number of re-examinations for which a

3 candidate may apply;

4 (d) The fees to be charged each candidate for initial

5 examinations and special examinations, ~~not in excess of~~

6 ~~fifty dollars (\$50) each, shall be commensurate with costs.~~

7 ~~and for With respect to re-examinations, not in excess of~~

8 ~~ten dollars (\$10) a fee commensurate with costs may be~~

9 ~~charged for each subject in which the candidate is~~

10 ~~re-examined."~~

11 Section 10. Section 66-2909, R.C.M. 1947, is amended

12 to read as follows:

13 "66-2909. Renewal of license. A license expires on

14 December 31 of each year and shall be renewed then or

15 thereafter, by the department, on payment of a renewal fee

16 of not less than ~~ten dollars (\$10)~~ or more than ~~twenty-five~~

17 ~~dollars (\$25)~~, as set by the board.

18 Any licensee who fails to renew on or before December

19 31 of each year shall be required to pay, in addition to the

20 renewal fee, a late renewal fee, in an amount not to exceed

21 ~~ten dollars (\$10)~~. Failure to so renew within ~~thirty (\$30)~~

22 days following December 31 shall be cause for suspension or

23 revocation of the license. ~~No license fee or tax may be~~

24 ~~imposed on a massage therapist by a municipality or any~~

25 ~~other political subdivision of the state."~~

1 Section 11. Section 60-3608, R.C.M. 1947, is amended

2 to read as follows:

3 "60-3608. Fees -- earmarked revenue fund -- ~~late~~

4 ~~renewal fee.~~ (1) The fee for an original electrologist

5 license shall not exceed ~~fifty dollars (\$50)~~ as set by the

6 board. The renewal shall be automatic, unless revoked or

7 suspended for cause, and the renewal fee shall be set by

8 the board.

9 (2) The fee for an original electrologist salon

10 license shall be the same as that for cosmetology salons.

11 The renewal fee shall be the same as that for cosmetology

12 salons.

13 (3) All licenses issued under this act expire on

14 December 31 and shall be renewed annually. ~~Failure to renew~~

15 ~~on or before December 31 shall cause a late renewal fee of~~

16 ~~\$10 to be added to the regular renewal fee. The right to~~

17 ~~renew by payment of the late renewal fee expires after 1~~

18 ~~years of nonpayment.~~

19 (4) All fees or moneys collected by the department

20 under this act shall be deposited in the earmarked revenue

21 fund for the use of the board in administration of the act."

22 Section 12. Section 69-3416, R.C.M. 1947, is amended

23 to read as follows:

24 "69-3416. License fees. (1) An applicant for a

25 license shall pay a fee of ~~thirty-five dollars (\$35)~~ set by

1 ~~the board in an amount commensurate with examination and~~  
2 ~~administrative costs.~~

3 (2) A registered sanitarian may renew his license by  
4 paying an annual fee set by the board, not to exceed ~~ten~~  
5 ~~dollars-(\$10).~~

6 (3) Renewal fees are due July 1 of the renewal year.  
7 If the renewal fee is not paid the license expires.  
8 Licenses which have lapsed for failure to pay renewal fees  
9 may be reissued under rules adopted by the board."

10 ~~SECTION 13. SECTION 66-1934, B.C.M., 1947, IS AMENDED~~  
11 ~~TO READ AS FOLLOWS:~~

12 "66-1934. Fees -- when due. (1) The following fees  
13 shall be charged by the department and paid into the  
14 earmarked revenue fund for the use of the board, subject to  
15 section 82A-1603(b):

16 (a) For each examination, a fee not to exceed ~~fifty~~  
17 ~~dollars-(\$50) \$25.~~

18 (b) For each original resident broker's license  
19 issued, a fee not to exceed fifty dollars (\$50).

20 (c) For each annual renewal of a resident broker's  
21 license, a fee not to exceed ~~fifty-dollars-(\$50) \$30.~~

22 (d) For each original nonresident broker's license  
23 issued, a fee not to exceed fifty dollars (\$50).

24 (e) For each annual renewal of a nonresident broker's  
25 license, a fee not to exceed ~~fifty-dollars-(\$50) \$30.~~

1 (f) For each original salesman's license issued, a fee  
2 not to exceed twenty-five dollars (\$25).

3 (g) For each annual renewal of a salesman's license, a  
4 fee not to exceed ~~twenty-five-dollars-(\$25) \$15.~~

5 (h) For each additional office or place of business,  
6 an annual fee not to exceed twenty-five dollars (\$25).

7 (i) For each change of place of business or change of  
8 employer or contractual associate, a fee not to exceed  
9 ~~twenty-five-dollars-(\$25) \$15.~~

10 (j) For each duplicate license, where the original  
11 license is lost or destroyed and affidavit is made, a fee  
12 not to exceed ten dollars (\$10).

13 (k) For each duplicate pocket card, where the original  
14 pocket card is lost or destroyed and affidavit is made, a  
15 fee not to exceed ten dollars (\$10).

16 (2) The board shall adopt a schedule of fees within  
17 the limits set by this section. However, a fee once set for  
18 one of the items for which a fee is charged cannot be  
19 increased or decreased until at least one (1) year has  
20 passed since the fee for that particular item was last  
21 increased or decreased.

22 (3) Annual fees are due and payable for the ensuing  
23 year during the month of December of each year. Failure to  
24 remit annual fees before January 1 automatically cancels the  
25 license, but otherwise the license remains in effect



1 continuously from the date of issuance, unless suspended or  
2 revoked by the board for just cause.

3 ~~(4) No license fee or tax may be imposed on a real~~  
4 ~~estate broker or salesman by a municipality or any other~~  
5 ~~political subdivision of the state, other than principal~~  
6 ~~place-of-business.~~

7 ~~(5) No member of the board may be reimbursed from the~~  
8 ~~board's earmarked revenue fund for travel outside the state~~  
9 ~~on business of the board."~~

10 SECTION 14. SECTION 82A-1604, R.C.M. 1947, IS AMENDED  
11 TO READ AS FOLLOWS:

12 "82A-1604. Director -- duties. In addition to his  
13 powers and duties under sections 82A-107 and 82A-108 of this  
14 act, the director shall:

15 (1) Appoint impartial legal counsel to conduct  
16 hearings before each board within the department whenever  
17 any board holds a hearing. The legal counsel appointed shall  
18 see that hearings are conducted in a proper and legal  
19 manner.

20 (2) Whenever the department conducts an investigation  
21 of a complaint of illegal or unethical conduct of a member  
22 of a particular profession or occupation as prescribed in  
23 section 82A-1603(5) of this chapter, and if requested by the  
24 appropriate board, appoint an impartial member of that  
25 profession or occupation to assist the department in its

1 investigation. The member so appointed may not be a member  
2 of the board having jurisdiction over the particular  
3 profession or occupation.

4 (3) Hire all personnel to perform the administrative  
5 and clerical functions of the department for the boards.  
6 Boards within the department have no authority to hire  
7 personnel.

8 ~~(4) Approve all contracts and expenditures by boards~~  
9 ~~within the department. No board within the department may~~  
10 ~~enter into a contract or expend funds without the approval~~  
11 ~~of the director."~~

12 Section 15. Effective date. This act is effective on  
13 its passage and approval.

-End-