

1 Senate Bill BILL NO. 39  
 2 INTRODUCED BY Rosbie Turnage  
 3 (By Request of Adm. Code Comm.)  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A STANDARD  
 5 ANNUAL RENEWAL FEE FOR PROFESSIONAL AND OCCUPATIONAL  
 6 LICENSING; PROVIDING FOR THE PAYMENT OF ALL PROFESSIONAL AND  
 7 OCCUPATIONAL LICENSING REVENUE INTO ONE BARRAQUEED ACCOUNT  
 8 FOR THE VARIOUS LICENSING BOARDS; AMENDING SECTIONS 62-505,  
 9 62-515, 66-109, 66-110, 66-407, 66-411, 66-512, 66-513,  
 10 66-605, 66-607, 66-809, 66-816, 66-904, 66-906, 66-922,  
 11 66-1042, 66-1043, 66-1236, 66-1237, 66-1307, 66-1311,  
 12 66-1403, 66-1410, 66-1507, 66-1508, 66-1527, 66-1816,  
 13 66-1933, 66-1934, 66-2104(2), 66-2111, 66-2203, 66-2207,  
 14 66-2213, 66-2354, 66-2361, 66-2405, 66-2407, 66-2427,  
 15 66-2503, 66-2508, 66-2606, 66-2607, 66-2706, 66-2711,  
 16 66-2814, 66-2819, 66-2909, 66-2910, 66-3016, 66-3020,  
 17 66-3105, 66-3211, 66-3330, 66-3410, 66-3413, 66-3505,  
 18 66-3509, 66-3608, 66-3707, 66-3709, 66-3807, 66-3910,  
 19 82A-1603, 82A-1605, R.C.M. 1947."  
 20  
 21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 22 Section 1. Section 82A-1603, R.C.M. 1947, is amended  
 23 to read as follows:  
 24 "82A-1603. Department -- duties. In addition to the  
 25 provisions of ~~section 82A-108 of this act~~, the department  
 26 shall:

1 (1) ~~Provide~~ provide all the administrative and  
 2 clerical services needed by the boards within the  
 3 department, including corresponding, taking applications for  
 4 licenses, issuing licenses granted by the boards, renewing  
 5 licenses, registering, taking minutes of board meetings and  
 6 hearings, and filing;  
 7 (2) ~~Standardize~~ standardize and keep in Helena all  
 8 official records of the boards;  
 9 (3) ~~Make~~ make arrangements and provide facilities in  
 10 Helena for the meetings, hearings, and examinations of each  
 11 board, or elsewhere in the state if requested by the board;  
 12 (4) ~~Administer~~ administer and grade examinations  
 13 required by each board or by law for licensing, unless the  
 14 board determines that experts or professionals are necessary  
 15 to administer or grade a particular examination;  
 16 (5) ~~At~~ at the request of a board, investigate  
 17 complaints received by the department of illegal or  
 18 unethical conduct of a member of the profession or  
 19 occupation under the jurisdiction of a board within the  
 20 department.  
 21 ~~(6) Assess the costs of the department to the boards~~  
 22 ~~on a prorata basis according to the number of man days and~~  
 23 ~~the actual operating costs of the department for each~~  
 24 ~~board."~~  
 25 Section 2. Section 82A-1605, R.C.M. 1947, is amended

INTRODUCED BILL

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1 to read as follows:

2 "82A-1605. Boards within department -- duties. ~~Except~~  
 3 ~~for the inspection and code-making functions of the state~~  
 4 ~~electrical board transferred to the department of justice~~  
 5 ~~and enumerated in chapter 12 of this act, and subject~~  
 6 Subject to the administrative control of the department and  
 7 the director of professional and occupational licensing as  
 8 set forth in ~~section 82A-108 of this act~~ and under this  
 9 chapter, each agency transferred to the department shall  
 10 continue to exercise its prescribed statutory functions. In  
 11 addition, each board within the department shall:

12 (1) ~~Set set~~ and enforce standards, and rules, and  
 13 ~~regulations~~ governing the licensing, certification,  
 14 registration, and conduct of the members of the particular  
 15 profession or occupation within its jurisdiction;

16 (2) ~~Set sit~~ in judgment in hearings for the  
 17 suspension, revocation, or denial of a license of an actual  
 18 or potential member of the particular profession or  
 19 occupation within its jurisdiction. The hearings shall be  
 20 conducted by the legal counsel appointed under ~~section~~  
 21 ~~82A-1604(1) of this chapter.~~

22 ~~(3) Pay to the department its pro rata share of the~~  
 23 ~~assessed costs of the department under section 82A-1602(6)."~~

24 Section 3. There is a new R.C.M. section numbered  
 25 82A-1608 that reads as follows:

1 82A-1608. Standard annual license fee. Each person  
 2 licensed by a board allocated to the department of  
 3 professional and occupational licensing shall pay an annual  
 4 fee of \$16 for the renewal of his license.

5 Section 4. There is a new R.C.M. section that reads as  
 6 follows:

7 Transitional treatment of earmarked payments. (1) All  
 8 moneys deposited in the earmarked revenue account of a board  
 9 within the department of professional and occupational  
 10 licensing after January 1, 1977, but prior to June 30, 1977,  
 11 and expended as of June 30, 1977, are transferred to the  
 12 professional and occupational licensing earmarked account.

13 (2) All moneys deposited in the earmarked revenue  
 14 account of such a licensing board prior to January 1, 1977,  
 15 remain in that account until appropriated to the board for  
 16 which the account was created.

17 (3) The state auditor may not draw warrants against  
 18 any appropriated moneys described in subsection (1) unless  
 19 no moneys described under subsection (2) and appropriated  
 20 for the biennium ending June 30, 1977, are available for the  
 21 same purpose.

22 (4) All acts of this legislature appropriating, for  
 23 the biennium ending June 30, 1979, moneys to a board within  
 24 the department of professional and occupational licensing  
 25 from an earmarked revenue account established for that board

1 are amended to provide that such appropriations are made  
 2 from the professional and occupational licensing earmarked  
 3 account and to the department of professional and  
 4 occupational licensing. The amounts appropriated for the  
 5 various specified programs in such acts are unchanged, and  
 6 such programs include the costs of services furnished by the  
 7 department in support of those programs.

8 Section 5. Section 66-109, R.C.M. 1947, is amended to  
 9 read as follows:

10 "66-109. Compensation of members of board --  
 11 disposition and use of funds -- report. (1) Each member of  
 12 the board is allowed the sum of ~~twenty-five dollars (\$25)~~  
 13 per day plus mileage in accordance with section 59-801 and  
 14 travel expenses, as provided for in ~~sections~~ 59-538, and  
 15 59-539, while in the discharge of his actual duties.

16 (2) All fees and moneys received by the department for  
 17 licenses from practicing architects shall be deposited in  
 18 the ~~earmarked revenue fund for the use of the board, subject~~  
 19 ~~to section 82A-1603--(6), professional and occupational~~  
 20 licensing earmarked account."

21 Section 6. Section 66-110, R.C.M. 1947, is amended to  
 22 read as follows:

23 "66-110. Annual fee of licensed architects. A licensed  
 24 architect in this state who desires to continue the practice  
 25 of his profession shall annually, during the time he

1 continues in this practice, pay to the department, during  
 2 the month of July, ~~a fee of twenty dollars (\$20) the~~  
 3 standard annual license fee specified in 82A-1608."

4 Section 7. Section 66-407, R.C.M. 1947, is amended to  
 5 read as follows:

6 "66-407. Officers, official seal. The board shall  
 7 elect a president, secretary, and treasurer. It shall adopt  
 8 a seal for the authentication of its orders and records. The  
 9 department shall keep a record of proceedings of the board.  
 10 Money collected by the department shall be deposited in the  
 11 ~~earmarked revenue fund for the use of the board, subject to~~  
 12 section 82A-1603--(6) professional and occupational licensing  
 13 earmarked account."

14 Section 8. Section 66-411, R.C.M. 1947, is amended to  
 15 read as follows:

16 "66-411. Fees to be paid by apprentices, students,  
 17 barbers, barbershops, and training programs. (1) The fee to  
 18 be paid by an apprentice for an apprentice examination and  
 19 an apprentice card is ~~twenty-five dollars (\$25)~~. The fee to  
 20 be paid by an applicant for an examination to determine his  
 21 fitness to receive a certificate of registration to practice  
 22 barbering is ~~twenty dollars (\$20)~~, and for the issuance of  
 23 the certificate an additional ~~ten dollars (\$10)~~.

24 (2) A person registered as a barber or barber  
 25 apprentice shall, before July 1 of each year, pay a license

1 ~~fee of ten dollars (\$10) the standard annual license fee~~  
 2 ~~specified in 82A-1508~~ for the renewal of his certificate of  
 3 registration. If a barber fails to have the certificate  
 4 renewed before July 1 of each year, the barber shall on  
 5 renewal of the certificate of registration pay a penalty of  
 6 ~~ten dollars (\$10)~~, in addition to the regular fee of ~~ten~~  
 7 ~~dollars (\$10)~~. If a certificate of registration is not  
 8 renewed within ~~one (1)~~ year after the date of expiration,  
 9 the barber is not entitled to have the certificate of  
 10 registration renewed, or a new certificate of registration  
 11 issued, without first applying for and taking the  
 12 examination and paying the fees provided for in this  
 13 section. However, physically handicapped persons, trained  
 14 for the barber profession by the department of social and  
 15 rehabilitation services and certified by that department as  
 16 having successfully completed a ~~nine (9) month~~ 9-month  
 17 course in a reputable barber college are not required to pay  
 18 fees, and are for a period of ~~one (1)~~ year immediately  
 19 following their training exempt from all except the sanitary  
 20 provisions of this chapter. No other or additional license  
 21 or fee may be imposed on barbers or barber apprentices by a  
 22 municipality or other subdivision of this state.

23 (3) In addition to the fees and charges now provided  
 24 by law, barbershops heretofore established, and which have  
 25 been under the inspection of the board shall pay an ~~annual~~

1 ~~license fee of ten dollars (\$10) the standard annual license~~  
 2 ~~fee.~~ Barbershops hereafter established shall pay an initial  
 3 inspection fee of ~~twenty dollars (\$20)~~ for the first year or  
 4 portion thereof, and shall pay an ~~annual license fee of ten~~  
 5 ~~dollars (\$10) the standard annual license fee.~~

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

17 (5) Any person conducting in this state any advanced  
 18 barber training program, clinic, or seminar for barbers as  
 19 defined in this chapter, shall pay an annual license fee of  
 20 ~~fifty dollars (\$50)~~ to the department, or a ~~ten (10) day~~  
 21 10-day license fee of ~~fifteen dollars (\$15)~~, and display the  
 22 license while operating. Any such advanced barber training  
 23 program, clinic, or seminar may be inspected by the  
 24 department at reasonable times during operation."

25 Section 9. Section 66-512, R.C.M. 1947, is amended to

1 read as follows:

2 "66-512. Renewal of license. A license expires on  
3 September 1 of each year, and shall be renewed by the  
4 department, on payment of a ~~renewal fee of not less than~~  
5 ~~five dollars (\$5) nor more than twenty-five dollars (\$25),~~  
6 ~~as set by the board~~ the standard annual license fee  
7 specified in 82A-1603, the presentation of evidence  
8 satisfactory to the board that the licensee, in the year  
9 preceding the application for renewal, attended an  
10 educational program for chiropractors conducted by a school  
11 of chiropractic licensed to operate in the state of its  
12 location, or an educational program conducted by the state  
13 association of licensed chiropractors of a state, or an  
14 educational program approved by the board. However, the  
15 board may authorize the department to issue renewals, but  
16 not consecutive renewals, on a showing satisfactory to the  
17 board that attendance at the educational programs was  
18 unavoidably prevented; and new licensees during the ~~six~~ (6)  
19 months preceding September 1, by examination, shall be  
20 granted renewal licenses without attending the educational  
21 programs. Failure to renew a license does not prevent a  
22 licensee from subsequently applying for and receiving a  
23 license, as if there were no lapse of time between the  
24 expiration of the old license, and the granting of a renewal  
25 license. This section does not prevent a renewal of the

1 license if in the preceding year for any reason, at least  
2 one of the educational programs is not conducted in this  
3 state."

4 Section 10. Section 66-513, R.C.M. 1947, is amended to  
5 read as follows:

6 "66-513. Disposition of fees -- receipts and  
7 disbursements -- reports -- per diem and mileage. (1) Fees  
8 collected by the department under this act shall be  
9 deposited in the ~~earmarked revenue fund for the use of the~~  
10 ~~board, subject to section 82A-1603~~ (6) professional and  
11 occupational licensing earmarked account.

12 (2) The department shall keep an accurate account of  
13 funds received and vouchers issued by the department.

14 (3) The members of the board shall receive ~~twenty-five~~  
15 ~~dollars (\$25)~~ for each day during which they are actually  
16 engaged in the discharge of their duties, plus mileage as  
17 provided in ~~section~~ 59-801, and reimbursement for travel  
18 expenses, as provided for in ~~sections~~ 59-538, and 59-539."

19 Section 11. Section 66-605, R.C.M. 1947, is amended to  
20 read as follows:

21 "66-605. Designation of licensees -- renewals --  
22 reissuance of license -- display of license required --  
23 recording necessary. A license issued under this act shall  
24 be designated as a "registered podiatrist's license" and may  
25 not contain any abbreviations thereof, ~~nor~~ or any other

1 designation or title except that a statement of limitation  
 2 shall be contained in the license referring to the licensee  
 3 as a "registered podiatrist—practice limited to the foot,"  
 4 so as not to mislead the public with respect to their right  
 5 to treat other portions of the body. Licenses shall be  
 6 recorded by the department the same as other medical  
 7 licenses. The person receiving the license shall have it  
 8 recorded in the office of the county clerk in the county in  
 9 which he resides, and the record shall be endorsed on it. If  
 10 the person licensed moves to another county to practice, he  
 11 shall record the license in the same manner in the county  
 12 into which he moves, and the county clerk is entitled to  
 13 charge and receive the usual fee for making this record. ~~A~~  
 14 ~~renewal license fee of three dollars—(\$3). The standard~~  
 15 annual license fee specified in 82A-1608 shall be paid  
 16 annually on July 1 of each year, and if not paid within  
 17 ~~three—(3)~~ months, the license shall be revoked and may be  
 18 reissued only on original application and payment of a fee  
 19 of ~~thirty-five dollars—(\$35)~~. Licenses shall be  
 20 conspicuously displayed by podiatrists at their offices or  
 21 other places of practice."

22 Section 12. Section 66-607, R.C.M. 1947, is amended to  
 23 read as follows:

24 "66-607. Deposit of moneys collected. Fees and  
 25 licenses shall be collected by the department and deposited

1 in the ~~earmarked revenue fund for the use of the state board~~  
 2 ~~of medical examiners, subject to section 82A-1603—(6)~~  
 3 professional and occupational licensing earmarked account."

4 Section 13. Section 66-809, R.C.M. 1947, is amended to  
 5 read as follows:

6 "66-809. Compensation of members of board — deposit  
 7 of receipts in state treasury. Each member of the board  
 8 shall receive, as compensation for his services, the sum of  
 9 ~~twenty-five dollars—(\$25)~~ per day for each day in actual  
 10 attendance at any meeting at the board. In addition, each  
 11 member shall be reimbursed for travel expenses, as provided  
 12 for in sections 59-538, 59-539, and 59-801, necessarily  
 13 incurred in the performance of official duties. All fees  
 14 collected by the department under this act, shall be  
 15 deposited in the ~~earmarked revenue fund for the use of the~~  
 16 ~~board, subject to section 82A-1603—(6)~~ professional and  
 17 occupational licensing earmarked account."

18 Section 14. Section 66-816, R.C.M. 1947, is amended to  
 19 read as follows:

20 "66-816. Duration and renewal of licenses and  
 21 certificates — delinquent renewal fee. (1) Licenses and  
 22 certificates shall be issued for no longer than ~~one—(1)~~  
 23 year. Licenses and certificates expire on December 31 unless  
 24 renewed for the next year. Licenses and certificates may be  
 25 renewed by application made prior to December 31 of each

1 year, and the payment of ~~a required renewal fee~~ the standard  
 2 annual license fee specified in 82A-1608. Expired licenses  
 3 and certificates may be renewed under rules made by the  
 4 board.

5 (2) In addition to the foregoing requirements for  
 6 renewal, persons applying for the renewal of teachers'  
 7 licenses must have fulfilled the following additional  
 8 requirements:

9 (a) During each year an active teacher, either full  
 10 time or part time, must have successfully completed ~~thirty~~  
 11 ~~(30)~~ hours professional teacher training at a school  
 12 approved by the board as a prerequisite to the renewal of  
 13 the teacher's license.

14 (b) Persons holding a teacher's license, but not  
 15 actively engaged either full time or part time in teaching  
 16 cosmetology during the preceding year, may renew the license  
 17 by paying the required fee.

18 (c) Persons holding a teacher's license but not  
 19 actively engaged in teaching cosmetology either full time or  
 20 part time for the preceding year or longer and wishing to  
 21 resume active teaching of cosmetology must successfully  
 22 complete ~~thirty (30)~~ hours professional teachers' training  
 23 at a school approved by the board before resuming active  
 24 teachers' training. However, the foregoing provisions do not  
 25 prevent the board, under rules it adopts, from permitting a

1 person holding a teacher's license and not actively engaged  
 2 either full time or part time in teaching cosmetology from  
 3 teaching as a substitute for an active teacher.

4 (3) A fee of ~~two dollars and fifty cents (\$2.50)~~ shall  
 5 be charged in addition to other fees fixed by law for  
 6 renewal applications of licenses and certificates made after  
 7 December 31 of each year. The department shall notify  
 8 license holders of the expiration date of license not less  
 9 than ~~thirty (30)~~ days before the expiration date, and call  
 10 attention to the penalty imposed for failure to renew  
 11 license by the date of expiration."

12 Section 15. Section 66-904, R.C.M. 1947, is amended to  
 13 read as follows:

14 "66-904. Meetings -- notice -- quorum -- funds --  
 15 duties -- report. (1) The board shall meet at least once  
 16 each year in this state at the call of the president and  
 17 secretary-treasurer. Five ~~(5)~~ days' notice must be given by  
 18 the department to board members of the time and place of the  
 19 meeting of the board. Three ~~(3)~~ members of the board  
 20 constitute a quorum for the transaction of business. Its  
 21 proceedings are open to public inspection in cases of public  
 22 interest. Money collected by the department under this  
 23 chapter shall be deposited in the ~~earmarked revenue fund for~~  
 24 ~~the use of the board, subject to section 82A-1603 (6)~~  
 25 professional and occupational licensing earmarked account.

1 (2) The department shall keep a complete record of  
2 meetings and proceedings of the board, and shall keep a  
3 complete account of moneys received and disbursements made  
4 by the department."

5 Section 16. Section 66-906, R.C.M. 1947, is amended to  
6 read as follows:

7 "66-906. Certificate to be registered in counties  
8 where practicing -- replacing lost certificates -- admission  
9 of dentists from other states -- reciprocity -- annual  
10 license fee -- inactive fee -- due date of annual fee --  
11 revocation of license for failure to pay. (1) The  
12 certificate under this act entitles the holder to practice  
13 dentistry in any county in this state, if the certificate is  
14 first filed for registration and registered in the office of  
15 the county recorder of the county in which the holder  
16 desires to practice. This act does not permit a holder of a  
17 certificate to practice in a county in this state unless the  
18 certificate has been first registered in the office of the  
19 recorder of the county. A holder of a certificate may  
20 practice in more than one ~~(4)~~ or in any number of counties  
21 in this state on having the certificate registered in each  
22 of the counties in which the holder desires to practice. The  
23 department shall, on proof satisfactory to the board of the  
24 loss of a certificate issued under this act, issue a  
25 duplicate certificate, and a fee of ~~ten dollars (\$10)~~ shall

1 be charged for issuing the certificate.

2 (2) A dentist who has been lawfully licensed to  
3 practice in another state or territory which has and  
4 maintains a standard for the practice of dentistry or dental  
5 surgery which in the opinion of the board is equal to that  
6 at the time maintained in this state; who is a graduate of  
7 an accredited ~~four (4)-year~~ 4-year high school or has actual  
8 scholastic credits equivalent to a ~~four (4)-year~~ 4-year high  
9 school course; who is a graduate of a recognized dental  
10 school or college; who has been lawfully and continuously  
11 engaged in the practice of dentistry for ~~five (5)~~ years or  
12 more immediately before filing his application to practice  
13 in this state; and who deposits in person with the  
14 department an attested certificate from the examining board  
15 of the state or territory in which he is registered or  
16 licensed, certifying to the fact of his registration and  
17 license and of his being a person of good moral character  
18 and of professional attainments, may, on the payment of a  
19 fee of ~~fifty dollars (\$50)~~ and after satisfactory  
20 practical examination demonstrating his proficiency, be  
21 granted a license to practice dentistry in this state,  
22 without being required to take an examination in theory.  
23 However, no license may be issued without an examination in  
24 theory to an applicant, unless the state or territory from  
25 which the certificate has been granted to the applicant



1 extends a like privilege to engage in the practice of  
2 dentistry to dentists licensed by this state, who move to  
3 the other state. The board may enter into reciprocal  
4 relations with similar boards of other states whose laws are  
5 practically identical with this act.

6 (3) A licensed dentist practicing within this state  
7 shall annually pay before March 1, to the department, ~~as a~~  
8 ~~license fee for the year, the sum of ten dollars (\$10). The~~  
9 ~~board may increase or decrease the annual license fee to~~  
10 ~~maintain in the earmarked fund, at all times, an amount to~~  
11 ~~be known as the emergency fund to be used for the purpose of~~  
12 ~~administering, policing, and enforcing this act. The~~  
13 ~~emergency fund shall be maintained at an approximate level~~  
14 ~~of two thousand five hundred dollars (\$2,500). Notice of the~~  
15 ~~change in the amount of license fees shall be given to each~~  
16 ~~dentist registered in this state by the department the~~  
17 standard annual licensing fee specified in 82A-1608.

18 (4) If a registered dentist absents himself from the  
19 state for a period of ~~one~~ (1) or more years, or does not  
20 engage in active practice within this state, he may continue  
21 his license in good standing by the payment of ~~ten dollars~~  
22 ~~(\$10)~~ one-half of the standard annual license fee each year,  
23 or at the discretion of the board, he may be reinstated on  
24 the payment of a fee of ~~ten dollars (\$10)~~ for each year's  
25 absence. The annual payments shall be made prior to March 1

1 of each year, and a receipt or certificate shall be issued  
2 by the department.

3 (5) In case of default in payment of the annual  
4 license fee by a dentist, his license shall be revoked by  
5 the board on ~~thirty~~ (30) days' notice given to the  
6 delinquent of the time and place of considering the  
7 revocation. A registered letter addressed to the last known  
8 address of the party failing to comply with this  
9 requirement, as the address appears on the records of the  
10 department, constitutes sufficient notice of revocation of  
11 license, but no license may be revoked for nonpayment if the  
12 dentist notified pays the license fee plus a late payment  
13 penalty of ~~three dollars (\$3)~~ before or at the time fixed  
14 for consideration of revocation. The department may maintain  
15 in the name of this state a suit to collect license fees and  
16 penalties applicable and to recover from the delinquent  
17 dentist the cost of the action, including reasonable  
18 attorneys' fees.

19 (6) No license fee or tax may be imposed on dentists  
20 by a municipality or any other subdivision of the state."

21 Section 17. Section 66-922, R.C.M. 1947, is amended to  
22 read as follows:

23 "66-922. Annual license fee for dental hygienists --  
24 revocation of license. Before March 1 of each year a  
25 licensed dental hygienist shall pay to the department a

1 ~~license fee of three dollars (\$3)~~ the standard annual  
 2 license fee specified in 82A-1608, and in default of  
 3 payment, the board may after hearing and on ~~thirty (30)~~  
 4 days' notice revoke the license of the hygienist in default;  
 5 but the payment of the fee on or before the time of hearing,  
 6 with an additional sum fixed by the board, not exceeding  
 7 ~~three dollars (\$3)~~, excuses the default. The department may  
 8 collect the fee by suit. The board may likewise revoke or  
 9 suspend the license of a dental hygienist for violating this  
 10 act."

11 Section 18. Section 66-1042, R.C.M. 1947, is amended  
 12 to read as follows:

13 "66-1042. Annual registration fees — limiting  
 14 authority to impose registration fees. (1) In addition to  
 15 the license fees required of applicants, a licensed  
 16 physician actively practicing medicine in this state shall  
 17 pay each year to the department, ~~an annual registration fee,~~  
 18 ~~not to exceed the sum of twenty five dollars (\$25), as~~  
 19 ~~prescribed by the board and approved by the department of~~  
 20 ~~administration~~ the standard annual license fee specified in  
 21 82A-1608. If a person licensed to practice medicine absents  
 22 himself from the state for a period of ~~one (1)~~ or more  
 23 years, or does not engage in active practice in this state,  
 24 he may continue his license in good standing by the payment  
 25 of ~~five dollars (\$5)~~ each year, or at the discretion of the

1 board, he may be reinstated on the payment of a fee of ~~five~~  
 2 ~~dollars (\$5)~~ or each year of absence or inactive practice.

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

24 (3) No registration or license fee may be imposed on a  
 25 licensee under this act by a municipality or any other

1 subdivision of the state."

2 Section 19. Section 66-1043, R.C.M. 1947, is amended  
3 to read as follows:

4 "66-1043. Disposition of money received. Money  
5 received under this act by the department shall be deposited  
6 in the ~~earmarked revenue fund for the use of the board,~~  
7 ~~subject to section 82A-1603 (6). In the case of a deficiency~~  
8 ~~the reserves in this account in the earmarked revenue fund~~  
9 ~~may be used on approval by the department of administration~~  
10 ~~and the governor~~ professional and occupational licensing  
11 earmarked account."

12 Section 20. Section 66-1236, R.C.M. 1947, is amended  
13 to read as follows:

14 "66-1236. Renewal of license. (1) The license of a  
15 person licensed under this act must be annually renewed.  
16 Before December 1 of each year, the department shall mail an  
17 application form for renewal of license to every person to  
18 whom a license was issued or renewed during the year. The  
19 applicant shall carefully complete and subscribe the  
20 application form and return it to the department ~~with a~~  
21 ~~renewal fee of ten dollars (\$10)~~ before January 1, ~~provided,~~  
22 ~~however, that the board may increase or decrease the annual~~  
23 ~~license fee so as to maintain in the earmarked revenue fund~~  
24 ~~at all times an adequate amount to be used for the purpose~~  
25 ~~of administering, policing, and enforcing the provisions of~~

1 ~~this chapter with the standard annual license fee specified~~  
2 ~~in 82A-1608.~~ On receipt of the application and fee, the  
3 department shall verify the accuracy of the application  
4 against its records, and from other sources the board  
5 considers reliable, and issue to the applicant a certificate  
6 of renewal for the current year beginning January 1 and  
7 expiring December 31, following. The certificate of renewal  
8 renders the holder a legal practitioner of nursing for the  
9 period stated in the certificate of renewal.

10 (2) A licensee who allows his license to lapse by  
11 failing to renew the license may be reinstated by the board  
12 on satisfactory explanation for the failure to renew license  
13 and on payment of the current renewal fee prescribed by the  
14 board.

15 (3) A person practicing nursing during the time  
16 following the date his license has expired is an illegal  
17 practitioner and is subject to the penalties provided for  
18 violations of this act."

19 Section 21. Section 66-1237, R.C.M. 1947, is amended  
20 to read as follows:

21 "66-1237. Disposition of fees. Fees and fines  
22 collected by the department under this act shall be  
23 deposited in the ~~earmarked revenue fund for the use of the~~  
24 ~~board subject to section 82A-1603 (6)~~ professional and  
25 occupational licensing earmarked account."

1 Section 22. Section 66-1307, R.C.M. 1947, is amended  
2 to read as follows:

3 "66-1307. Renewal of registration -- revocation --  
4 fees. A registered optometrist who desires to continue the  
5 practice of optometry in this state shall annually before  
6 July 2 of each year pay to the department ~~a renewal fee not~~  
7 ~~to exceed the sum of fifty dollars (\$50)~~ the standard annual  
8 license fee specified in 82A-1608 in return for which a  
9 renewal of registration shall be issued. If a person fails  
10 or neglects to procure his annual renewal of registration,  
11 his certificate of registration shall be revoked by the  
12 board; however, no certificate of registration may be  
13 revoked without ~~ninety (90)~~ days' notice having been given  
14 to the delinquent, who within this period may renew his  
15 certificate of registration on the payment of the renewal  
16 fee with a penalty of ~~thirty-five dollars (\$35)~~."

17 Section 23. Section 66-1311, R.C.M. 1947, is amended  
18 to read as follows:

19 "66-1311. Compensation of board. Each member of the  
20 board may receive as compensation the sum of ~~twenty-five~~  
21 ~~dollars (\$25)~~ and travel expenses, as provided for in  
22 ~~sections 59-538, 59-539, and 59-801~~, for each day actually  
23 engaged in the duties of his office. Money collected by the  
24 department shall be deposited in the ~~earmarked revenue fund~~  
25 ~~for the use of the board, subject to section 82A-1603 (6)~~

1 professional and occupational licensing earmarked account."

2 Section 24. Section 66-1403, R.C.M. 1947, is amended  
3 to read as follows:

4 "66-1403. Regulation -- osteopathic licenses --  
5 educational qualifications -- renewal. (1) It is unlawful  
6 for a person to practice osteopathy in this state without a  
7 license from the department. An applicant applying for  
8 licensure shall be a person of good moral character. An  
9 applicant shall present evidence to the board that he has  
10 completed the following educational and professional  
11 requirements: ~~four (4)~~ years of high school or its  
12 scholastic equivalent; at least ~~two (2)~~ years  
13 preprofessional college education in an accredited college  
14 or university; and ~~four (4)~~ years professional education in  
15 an osteopathic college conforming to the minimum educational  
16 standards for osteopathic colleges established by the  
17 American osteopathic association and which is approved by  
18 the board. Application shall be made on forms prescribed by  
19 the board and furnished by the department. An applicant who  
20 fails the examination is entitled to a second examination  
21 without charge.

22 (2) A person holding a certificate to practice under  
23 this act and who is in active practice in this state shall  
24 before April 1 of each year pay ~~a renewal fee of fifteen~~  
25 ~~dollars (\$15)~~ the standard annual license fee specified in

1 ~~82A-1608~~ to the department; and a person holding a  
 2 certificate to practice under this act, who is not in active  
 3 practice, shall before April 1 of each year pay a ~~renewal~~  
 4 ~~fee of seven dollars and fifty cents (\$7.50)~~ one-half the  
 5 standard annual license fee to the department. The  
 6 department shall before March 15 of each year send a notice  
 7 to each person holding a valid certificate to practice under  
 8 this act and from whom a fee is due stating that the fee is  
 9 due.

10 (3) The certificate to practice under this act  
 11 automatically becomes void when the renewal fee is not paid  
 12 at the time named. However, the board may reinstate a  
 13 practitioner whose certificate has lapsed on payment of back  
 14 renewal fees or on payment of ~~fifty dollars (\$50)~~ if the  
 15 lapsed fees exceed that amount."

16 Section 25. Section 66-1410, R.C.M. 1947, is amended  
 17 to read as follows:

18 "66-1410. Compensation of board -- deposit of fees.

19 (1) Each of the members of the board may receive as  
 20 compensation a sum not to exceed ~~twenty dollars (\$20)~~ for  
 21 each day actually engaged in the duties of their office,  
 22 together with travel expenses, as provided for in ~~sections~~  
 23 59-538, 59-539, and 59-801, connected with attending the  
 24 meetings of the board.

25 (2) The fees collected by the department under this

1 chapter shall be deposited in the ~~earmarked revenue fund for~~  
 2 ~~the use of the board, subject to section 82A-1603 (6).~~  
 3 professional and occupational licensing earmarked account."

4 Section 26. Section 66-1507, R.C.M. 1947, is amended  
 5 to read as follows:

6 "66-1507. Annual renewal of registration fees. A  
 7 person licensed and registered by the department shall  
 8 annually pay to the department before June 30, a ~~renewal of~~  
 9 ~~registration fee of fifteen dollars (\$15)~~ the standard  
 10 annual license fee specified in 82A-1608. A default in the  
 11 payment of a renewal fee for a period of ~~thirty (30)~~ days  
 12 after the date it is due increases the renewal fee ~~to thirty~~  
 13 ~~dollars (\$30)~~ by \$15. It is unlawful for a person who  
 14 refuses or fails to pay the renewal fee to practice pharmacy  
 15 in this state. The practice of pharmacy is a professional  
 16 practice affecting the public health, safety, and welfare  
 17 and is subject to regulation and control in the public  
 18 interest. A certificate and renewal expires at the time  
 19 prescribed, not later than ~~one (1)~~ year from its date. A  
 20 defaulter in a renewal fee may be reinstated within ~~one (1)~~  
 21 year of the default without examination on payment of the  
 22 arrears."

23 Section 27. Section 66-1508, R.C.M. 1947, is amended  
 24 to read as follows:

25 "66-1508. Store license -- certified pharmacy license

1 — suspension or revocation. (1) The department shall, on  
 2 application on forms prescribed by the board and on the  
 3 payment of ~~an annual fee of five dollars~~ ~~(5)~~ ~~one-fourth the~~  
 4 standard annual license fee, license stores other than a  
 5 pharmacy in which are sold ordinary household or medicinal  
 6 drugs prepared in sealed packages or bottles by a  
 7 manufacturer, qualified under the laws of the state in which  
 8 the manufacturer resides. The name and address of the  
 9 manufacturer shall appear conspicuously on each package sold  
 10 by the licensee. It is unlawful for a store to sell,  
 11 deliver, or give away household medicinal drugs, without  
 12 first having secured a license and thereafter keeping it in  
 13 force by proper renewal. This subsection does not prevent a  
 14 vendor from selling a patent or proprietary medicine in the  
 15 original package when plainly labeled, ~~or~~ or nonmedical  
 16 articles usually sold by vendors.

17 (2) The board shall provide for the annual  
 18 registration and licensing by the department of every  
 19 pharmacy doing business in this state. On presentation of  
 20 evidence satisfactory to the board and on application on a  
 21 form prescribed by the board and on the payment of ~~an annual~~  
 22 ~~fee of twenty dollars~~ ~~(20)~~ the standard annual license fee,  
 23 the department shall issue a license to a pharmacy as a  
 24 ~~"CERTIFIED PHARMACY"~~ certified pharmacy; however, the  
 25 license may be granted only to pharmacies operated by

1 registered pharmacists or registered interns qualified under  
 2 this act. Any default in the payment of such renewal fee for  
 3 a period of ~~thirty~~ ~~(30)~~ days after the date the same is due  
 4 shall increase the renewal fee ~~to~~ by the sum of ~~forty~~  
 5 ~~dollars~~ ~~(40)~~ \$20. The license must be displayed in a  
 6 conspicuous place in the pharmacy for which it is issued,  
 7 and expires on June 30 following the date of issue. It is  
 8 unlawful for a person to conduct a pharmacy, use the word  
 9 pharmacy to identify his business, or use the word pharmacy  
 10 in advertising unless a license has been issued and is in  
 11 effect.

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

24 Section 28. Section 66-1527, R.C.M. 1947, is amended  
 25 to read as follows:

1 "66-1527. Disposition of fees and fines. Fines paid  
2 under this act and fees collected by the department for  
3 registration and licenses issued under this act shall be  
4 deposited in the ~~earmarked revenue fund for the use of the~~  
5 ~~board, subject to section 82A-1603 (6) professional and~~  
6 occupational licensing earmarked account.

7 Section 29. Section 66-1816, R.C.M. 1947, is amended  
8 to read as follows:

9 "66-1816. Disposition of funds. Fees and other moneys  
10 collected by the department under this act shall be  
11 deposited in the ~~earmarked revenue fund for the use of the~~  
12 ~~board, subject to section 82A-1603 (6) professional and~~  
13 occupational licensing earmarked account."

14 Section 30. Section 66-1833, R.C.M. 1947, is amended  
15 to read as follows:

16 "66-1833. Annual licenses to practice. Annual licenses  
17 to engage in the practice of public accounting in this state  
18 shall be issued by the department to holders of the  
19 certificate of certified public accountant issued under  
20 ~~section 66-1819~~ and to persons licensed under ~~section~~  
21 ~~66-1820~~, if all offices, if any, of the certificate holder  
22 or licensed public accountant are maintained and registered  
23 under ~~section 66-1832~~. ~~There is an~~ The annual license fee ~~in~~  
24 ~~an is the~~ amount ~~to be determined by the board, not to~~  
25 ~~exceed twenty-five dollars (\$25) for a year or part thereof~~

1 specified in 82A-1608. Annual licenses expire on December 31  
2 of each year and may be renewed annually for a period of ~~one~~  
3 ~~(1)~~ year by certificate holders and licensed public  
4 accountants in good standing on payment of ~~an the~~ annual  
5 renewal fee ~~of not to exceed twenty-five dollars (\$25)~~.  
6 Failure of a certificate holder or licensed public  
7 accountant to apply for the annual license to practice  
8 within ~~three (3)~~ years from the expiration date of the  
9 annual license to practice last obtained or renewed, or  
10 ~~three (3)~~ years from the date on which the certificate  
11 holder or licensee was granted his certificate or license,  
12 deprives him of the right to the annual license, unless the  
13 board, in its discretion, determines the failure to have  
14 been due to excusable neglect. A certificate holder or  
15 licensed public accountant who is retiring from active  
16 practice or other employment because of illness, age,  
17 marriage, or other justifiable cause, in the opinion of the  
18 board, may be placed on an inactive list, without  
19 prejudicing his right to be issued an annual license at a  
20 future date. A request for inactive status must be sent to  
21 the department within the three-year period as outlined in  
22 this section."

23 Section 31. Section 66-1934, R.C.M. 1947, is amended  
24 to read as follows:

25 "66-1934. Fees — when due. (1) The following fees

1 shall be charged by the department and paid into the  
 2 ~~earmarked revenue fund for the use of the board, subject to~~  
 3 ~~sections 82A-1603 (6) professional and occupational~~  
 4 licensing earmarked account:

5 (a) ~~Fee for~~ for each examination, a fee not to exceed  
 6 ~~fifty dollars (\$50);~~

7 (b) ~~Fee for~~ for each original resident broker's license  
 8 issued, a fee not to exceed ~~fifty dollars (\$50);~~

9 (c) ~~Fee for~~ for each annual renewal of a resident broker's  
 10 license, ~~a fee not to exceed fifty dollars (\$50) the~~  
 11 standard annual license fee specified in 82A-1608;

12 (d) ~~Fee for~~ for each original nonresident broker's license  
 13 issued, a fee not to exceed ~~fifty dollars (\$50);~~

14 (e) ~~Fee for~~ for each annual renewal of a nonresident  
 15 broker's license, ~~a fee not to exceed fifty dollars (\$50)~~  
 16 the standard annual license fee;

17 (f) ~~Fee for~~ for each original salesman's license issued, a  
 18 fee not to exceed ~~twenty five dollars (\$25);~~

19 (g) ~~Fee for~~ for each annual renewal of a salesman's  
 20 license, ~~a fee not to exceed twenty five dollars (\$25) the~~  
 21 standard annual license fee;

22 (h) ~~Fee for~~ for each additional office or place of  
 23 business, ~~an annual fee not to exceed twenty five dollars~~  
 24 ~~(\$25) one-half the standard annual license fee;~~

25 (i) ~~Fee for~~ for each change of place of business or change

1 of employer or contractual associate, a fee not to exceed  
 2 ~~twenty five dollars (\$25);~~

3 (j) ~~Fee for~~ for each duplicate license, where the original  
 4 license is lost or destroyed and affidavit is made, a fee  
 5 not to exceed ~~ten dollars (\$10);~~

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

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

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

21 Section 32. Section 66-2104(2), R.C.M. 1947, is  
 22 amended to read as follows:

23 "66-2104(2). Compensation of members of board --  
 24 disposition of funds. (1) Each member of the board shall  
 25 receive a compensation of ~~five dollars (\$5)~~ per day for



1 actual services while attending meetings or otherwise  
2 engaged in business connected with the board, and shall  
3 receive travel expense reimbursement as provided for in  
4 sections 59-538, 59-539, and 59-801.

5 (2) Money received under this act shall be deposited  
6 in the ~~earmarked revenue fund for the use of the board,~~  
7 ~~subject to section 82A-1603 (6) professional and~~  
8 occupational licensing earmarked account."

9 Section 33. Section 66-2111, R.C.M. 1947, is amended  
10 to read as follows:

11 "66-2111. Certificate of authority -- contents and  
12 issuance. (1) A person, firm, or corporation desiring to  
13 obtain a certificate of authority under this act shall make  
14 application to the department and shall pay to the  
15 department an application fee not to exceed ~~twenty-five~~  
16 ~~dollars (\$25)~~ as set by the board. The application shall be  
17 on a form prescribed by the board and shall contain  
18 information desired by it.

19 (2) A person, firm, or corporation, who furnishes  
20 satisfactory proof to the board that the applicant has for  
21 use in the business a set of abstract books or other system  
22 of indices and has in charge of the business a registered  
23 abstractor, and who furnishes the bond, or other securities,  
24 and pays the application fee is entitled, on compliance with  
25 this law, to receive a certificate of authority.

1 (3) Certificates of authority are valid for ~~one (1)~~  
2 year from the date of issuance and shall be renewed by the  
3 department on application within ~~thirty (30)~~ days prior to  
4 expiration and on payment of a ~~fee not to exceed twenty-five~~  
5 ~~dollars (\$25)~~ the standard annual license fee specified in  
6 82A-1608 to the department which fee shall be set by the  
7 board. The application shall be accompanied by an affidavit  
8 and such other evidence considered necessary, showing that  
9 the applicant has complied with this act.

10 (4) The certificate of authority issued by the  
11 department shall, among other things, recite that the bond  
12 or other securities have been filed and approved, and the  
13 certificate authorizes the person, firm, or corporation,  
14 named in it, to engage in and carry on the business of an  
15 abstractor of real estate titles in the county or counties  
16 of this state, in which the person, firm, or corporation has  
17 for use a set of abstract books or system of indices  
18 provided for in ~~section 66-2101,~~ and for that purpose to  
19 have access to the public records in an office of a city,  
20 county, or of the state during office hours, and to make  
21 memoranda or notation therefrom as may be necessary for the  
22 purpose of making abstracts, and the compiling, posting,  
23 copying, and keeping up of their abstract books, indices, or  
24 records, access to be during ordinary office hours."

25 Section 34. Section 66-2203, R.C.M. 1947, is amended

1 to read as follows:

2 "66-2203. Expenses and funds -- records and reports.

3 (1) Each member of the board is entitled to receive travel  
4 expenses, as provided for in ~~sections~~ 59-538, 59-539, and  
5 59-801.

6 (2) The department shall keep complete records of the  
7 board's proceedings and of its receipts and disbursements  
8 and a full and accurate list of persons licensed and  
9 registered by the board. These records are public records,  
10 and are at all times open to public inspection.

11 (3) Money received under this act shall be deposited  
12 in the ~~earmarked revenue fund for the use of the board,~~  
13 ~~subject to section 82A-1603 (6) professional and~~  
14 ~~occupational licensing earmarked account."~~

15 Section 35. Section 66-2207, R.C.M. 1947, is amended  
16 to read as follows:

17 "66-2207. Issuance, registration, and reinstatement of  
18 licenses. (1) The board shall, at the conclusion of a  
19 regular examination or after investigation under the  
20 reciprocity arrangements of ~~section~~ 66-2208, if in its  
21 judgment the applicant is qualified, authorize the  
22 department to issue a license to practice veterinary  
23 medicine.

24 (2) Every license granted shall be issued under seal,  
25 and shall be signed by the president and secretary-treasurer

1 of the board, and shall state that the licensee has given  
2 satisfactory evidence of fitness as to age, character,  
3 veterinary medical education, and other matters required by  
4 law, and that after full examination or investigation under  
5 reciprocity arrangements he has been found qualified to  
6 practice.

7 (3) A person licensed to practice veterinary medicine  
8 in this state shall procure from the department before July  
9 1, annually, his certificate of registration. The  
10 certificate shall be issued by the department on the payment  
11 of ~~a fee to be fixed annually by the board, not exceeding~~  
12 ~~the sum of twenty five dollars (25) the standard annual~~  
13 ~~license fee specified in 82A-1608~~ and the presentation of  
14 evidence satisfactory to the board that the licensee, in  
15 the year preceding the application for renewal, attended an  
16 educational program approved by the board. However, the  
17 board may authorize the department to issue renewals, but  
18 not consecutive renewals, on a showing satisfactory to the  
19 board that attendance at the educational programs was  
20 unavoidably prevented; and new licensees who secure licenses  
21 by examination during the ~~six (6)~~ months preceding July 1  
22 shall be granted renewals without attending the educational  
23 programs. The certificate is prima facie evidence of the  
24 right of the holder to practice veterinary medicine in this  
25 state during the time for which it is issued. Failure of a

1 person licensed to procure a certificate of registration  
 2 before July 1 annually constitutes a forfeiture of the  
 3 license held by the person. A person who has thus forfeited  
 4 his license may have it restored to him by making written  
 5 application for restoration within ~~one~~-(1)- year of the  
 6 forfeiture setting forth the reasons for failure to procure  
 7 the certificate of registration at the time specified and  
 8 accompanied by payment of the registration fee provided for  
 9 in this section and an additional restoration fee not in  
 10 excess of ~~twenty-five dollars (\$25)~~ as the board requires  
 11 and by presentation of evidence satisfactory to the board  
 12 that he has fulfilled the continuing educational  
 13 requirements required of all licensees recited above. The  
 14 person making application for restoration of license within  
 15 ~~one~~-(1)- year of its forfeiture is not required to submit to  
 16 examination.

17 (4) Notwithstanding any other provisions in this  
 18 chapter, a person licensed who enters, or is called to  
 19 active duty by, a branch of the armed services of the United  
 20 States is entitled to receive automatic registration of his  
 21 license during the period of his duty with the armed  
 22 services. However, within ~~one~~-(1)- year after release or  
 23 discharge from duty in the armed services, he shall procure  
 24 a certificate of renewal from the department and pay the  
 25 regular fee. Failure to procure the certificate of renewal

1 within ~~one~~-(1)- year after release or discharge is the  
 2 equivalent of a failure to procure a certificate of  
 3 registration before July 1 of any year, and the same  
 4 forfeiture and restoration requirements apply.

5 (5) A person licensed shall at all times have his  
 6 residence and office address on file with the department."

7 Section 36. Section 66-2213, R.C.M. 1947, is amended  
 8 to read as follows:

9 "66-2213. Veterinary technicians — definitions —  
 10 examinations. (1) The board of veterinarians may also issue  
 11 to qualified applicants licenses for the practice of  
 12 veterinary technology, to be known as veterinary  
 13 technicians.

14 (2) As used in this act:

15 (a) "Veterinary technician" means a person determined  
 16 by the board to be qualified by education and training to  
 17 provide limited veterinary services under the direct  
 18 supervision of a licensed veterinarian who shall be  
 19 responsible for the performance of that technician;  
 20 provided, however, that nothing in this act permits the  
 21 board or any licensed veterinarian to delegate any of the  
 22 following duties or functions:

- 23 (i) diagnosis;  
 24 (ii) prognosis;  
 25 (iii) prescription; or

1 (iv) surgery.

2 (b) "Direct supervision" means an order by the  
3 supervising licensed veterinarian to the veterinary  
4 technician, with notice to the client, to perform a specific  
5 function for that client within the veterinarian's routine  
6 practice, with a follow-up by the veterinarian to evaluate  
7 and determine the quality and effectiveness of the function  
8 performed and with all billing for such services to be made  
9 by the veterinarian.

10 (3) Each candidate for examination as a veterinary  
11 technician shall file in his full name an application for  
12 examination with the board at least ~~thirty~~ (30) days before  
13 the date set by the board for the commencement of the  
14 examination and at the time of making the application shall  
15 pay the board a fee of ~~twenty-five dollars~~ (\$25). The  
16 applicant shall furnish satisfactory proof that he is of  
17 good moral character and has earned a diploma or certificate  
18 from a school of veterinary technology offering a course of  
19 study recognized and approved by the board of veterinarians,  
20 as well as such other information as may be required by the  
21 board.

22 (4) The board shall adopt uniform rules within the  
23 limitations of this act, governing the matter of  
24 examinations for license to practice veterinary technology  
25 in the state of Montana, which examinations shall be open to

1 any applicant meeting the requirements of this act, and  
2 shall also provide in such rules for giving reasonable  
3 notice of the time and place where examinations shall be  
4 held.

5 (5) A person who can produce satisfactory evidence  
6 that he has been employed as a veterinary technician in the  
7 office of a regularly licensed veterinarian in the state of  
8 Montana for ~~two~~ (2) or more years prior to the passage of  
9 this act, may, upon payment of a fee of ~~twenty-five dollars~~  
10 ~~(\$25)~~, be granted a certificate to practice by the board of  
11 veterinarians; provided that if the board in its discretion  
12 finds that animal health and the public interest so  
13 require, the board may require the applicant to pass a  
14 practical examination in veterinary technology. A  
15 certificate must be secured before such person may continue  
16 practice as a veterinary technician.

17 (6) Each applicant who passes the examination  
18 prescribed by the board shall be granted a license as a  
19 veterinary technician and shall be registered as such in a  
20 record kept by the board, and shall receive a certificate in  
21 a form to be prescribed by the board.

22 (7) A licensed veterinary technician may practice in  
23 the office of and under the direct supervision of a legally  
24 licensed and actively practicing veterinarian or in a  
25 department of state government in which a legally licensed

1 veterinarian is present to exercise direct supervision.

2 (8) Each licensed veterinary technician shall  
3 annually, on or before July 1, procure from the board a  
4 certificate of annual registration. The fee for annual  
5 registration shall be ~~fixed by the board, not exceeding the~~  
6 ~~sum of ten dollars (\$10)~~ the standard annual license fee  
7 specified in 82A-1608. Failure of a licensee to procure a  
8 certificate of registration on or before July 1 shall  
9 constitute a forfeiture of the license.

10 (9) Each licensed veterinary technician shall keep the  
11 board informed of his address, the name and address of the  
12 licensed veterinarian or of the state department which is  
13 his employer, and such other information as the board may by  
14 rule require."

15 Section 37. Section 66-2354, R.C.M. 1947, is amended  
16 to read as follows:

17 "66-2354. Receipts and disbursements -- assistants.  
18 The department shall collect all moneys under this act, and  
19 shall deposit these moneys in the ~~earmarked revenue fund for~~  
20 ~~the use of the board, subject to section 82A-1603 (6)~~  
21 professional and occupational licensing earmarked account."

22 Section 38. Section 66-2361, R.C.M. 1947, is amended  
23 to read as follows:

24 "66-2361. Expiration and renewals -- fee. Certificates  
25 of registration expire on December 31 and become invalid on

1 that date unless renewed. The department shall notify every  
2 person registered under this act, of the date of the  
3 expiration of his certificate and the amount of the fee  
4 required for its renewal for ~~one (1) year~~. This notice shall  
5 be mailed at least ~~one (1) month~~ in advance of the date of  
6 the expiration of the certificate. Renewal may be made  
7 during the month of December by the payment of ~~a fee not to~~  
8 ~~exceed twenty dollars (\$20) as set by the board for either a~~  
9 ~~professional engineer or land surveyor or both~~ the standard  
10 annual license fee specified in 82A-1608. Failure on the  
11 part of a registrant to renew his certificate annually in  
12 the month of December does not deprive him of the right of  
13 renewal; however, a registrant who fails to pay the renewal  
14 fee for ~~two (2) consecutive years~~ shall be considered a new  
15 applicant and is required to submit a new application."

16 Section 39. Section 66-2405, R.C.M. 1947, is amended  
17 to read as follows:

18 "66-2405. Examination fee -- expiration of license --  
19 annual renewal -- fees -- bond required of master plumbers.  
20 No applicant for a master plumber's license may submit to  
21 the examinations prescribed by the board until he has  
22 deposited with the department ~~one hundred dollars (\$100)~~ as  
23 an examination fee, and no applicant for a journeyman  
24 plumber's license may submit to the examination prescribed  
25 by the board until he has deposited with the department

1 ~~fifty dollars (\$50)~~ as an examination fee. A license when  
 2 issued expires ~~one (1)~~ year from the date of issuance. A  
 3 license issued to a master plumber or a journeyman plumber  
 4 may be renewed annually, without examination, at any time  
 5 prior to its expiration, by a written request for its  
 6 renewal, directed to the department, and the payment of ~~not~~  
 7 ~~to exceed one hundred dollars (\$100) as set by the board~~  
 8 ~~for a renewal of a master plumber's license, and not to~~  
 9 ~~exceed twenty five dollars (\$25) as set by the board for a~~  
 10 ~~journeyman plumber's license~~ the standard annual license fee  
 11 specified in 82A-1608, and renewal is also for the period of  
 12 ~~one (1)~~ year. No master plumber's license may be issued or  
 13 renewed unless the applicant has deposited with the  
 14 department a good and sufficient bond to be approved by the  
 15 board, or cash in the amount of ~~five thousand dollars~~  
 16 ~~(\$5,000)~~ to insure the faithful performance of his duties  
 17 arising out of the state plumbing code or this chapter."

18 Section 40. Section 66-2407, R.C.M. 1947, is amended  
 19 to read as follows:

20 "66-2407. Disposition of license fees. Money paid for  
 21 license fees under this act shall be deposited in the  
 22 professional and occupational licensing earmarked ~~revenue~~  
 23 ~~fund account for the use of the board, subject to section~~  
 24 ~~82A-1603 (6).~~"

25 Section 41. Section 66-2427, R.C.M. 1947, is amended

1 to read as follows:

2 "66-2427. Permit fee — payment — penalties. (1) (a)  
 3 It is unlawful for any person to engage in the business,  
 4 trade, or work having to do with the installation, removal,  
 5 alteration, or repair of plumbing and drainage systems or  
 6 parts thereof without first obtaining a permit from the  
 7 board of plumbers.

8 (b) A separate permit shall be obtained for each  
 9 building or structure.

10 (c) No person may allow any other person to do or  
 11 cause to be done any work under a permit secured by the  
 12 permittee except persons in his employ.

13 (2) No permit is required for any minor replacement or  
 14 repair work, the performance of which does not have a  
 15 significant potential for creating a condition hazardous to  
 16 public health and safety. No permit is required where the  
 17 installation is exempt under the provisions of ~~section~~  
 18 66-2426 or 66-2401. Nothing contained in this act shall  
 19 prohibit the owner of residential property from making an  
 20 installation for all sanitary plumbing and potable water  
 21 supply piping without a permit providing he does the work  
 22 himself. The provisions of this act do not apply to  
 23 regularly employed maintenance personnel doing maintenance  
 24 work on the business premises of their employer unless work  
 25 is subject to the permit provisions of this act.

1           (3) (a) Persons required by this section to apply for  
 2 a permit shall make application on forms provided by the  
 3 board or authorized representative. He shall give a  
 4 description of the character of the work proposed to be  
 5 done, and the location, ownership, occupancy and use of the  
 6 premises in connection therewith. The board of plumbers or  
 7 its authorized representative may require sketches,  
 8 specifications, or drawings and such other information it  
 9 ~~deems~~ considers necessary in order to determine the scope of  
 10 the work contemplated.

11           (b) If the board determines that the sketches,  
 12 specifications, drawings, descriptions and information  
 13 furnished by the applicant are in compliance with the state  
 14 plumbing code, it shall issue the permit applied for upon  
 15 payment of the required fee as established by the board.

16           (4) (a) Any person who commences any work for which a  
 17 permit is required without first obtaining a permit shall,  
 18 if subsequently permitted to obtain a permit, pay double the  
 19 permit fee for the work, except that this provision does not  
 20 apply to emergency work when it is proved to the  
 21 satisfaction of the board of plumbers or its authorized  
 22 representative that the work was urgently necessary and that  
 23 it was not practical to obtain a permit before the  
 24 commencement of the work. In all such cases, a permit shall  
 25 be obtained as soon as it is practical to do so, and if

1 there is unreasonable delay in applying for the permit, a  
 2 double fee shall be charged.

3           (b) For the purpose of this section, a sanitary  
 4 plumbing outlet on or to which a plumbing fixture or  
 5 appliance may be set or attached shall be construed to be a  
 6 fixture. Fees for reconnection and retest of plumbing  
 7 systems in relocated buildings shall be based on the number  
 8 of plumbing fixtures, gas systems, water heaters, and the  
 9 like involved.

10           (c) When a permit has been obtained to connect an  
 11 existing building or existing work to the public sewer or to  
 12 connect to a new private disposal facility, backfilling of  
 13 private sewage disposal facilities abandoned consequent to  
 14 the connection is included in the permit.

15           (d) The board of plumbers shall establish permit fees  
 16 in accordance with the Montana Administrative Procedure Act,  
 17 and the fees shall be deposited to the professional and  
 18 occupational licensing earmarked account ~~revenue fund of the~~  
 19 ~~board of plumbers for use in the administration and~~  
 20 ~~enforcement of this act and the Montana state plumbing code.~~

21           (5) All plumbing and drainage systems may be inspected  
 22 by the board of plumbers or their authorized representative  
 23 to insure compliance with the requirements of the state  
 24 plumbing code.

25           (6) (a) It is the duty of the person doing work

1 authorized by the permit to notify the board orally or in  
2 writing, that the work is ready for inspection. The  
3 notification shall be given not less than ~~twenty-four~~ (24)  
4 hours before the work is to be inspected.

5 (b) It is the duty of the person doing the work  
6 authorized by the permit to ensure that the work performed  
7 before notification and after notification pending  
8 inspection complies with the state plumbing code.

9 (7) Whenever any work is being done contrary to the  
10 provisions of the state plumbing code, the board or its  
11 authorized representative may, after a hearing conducted  
12 under the provisions of the Montana Administrative  
13 Procedure Act, order work stopped by notice in writing  
14 served on any person engaged in the work.

15 (8) The board may suspend or revoke a permit, whenever  
16 it is issued in error or on the basis of incorrect  
17 information supplied, or work performed thereunder is in  
18 violation of any of the provisions of Title 66, chapter 24,  
19 R.C.M., 1947."

20 Section 42. Section 66-2503, R.C.M. 1947, is amended  
21 to read as follows:

22 "66-2503. Application for examination — examination  
23 fee. Unless entitled to a license under ~~section~~ 66-2505, a  
24 person who desires to be licensed as a physical therapist  
25 shall apply to the department, in writing, on a form

1 furnished by the department. He shall embody in that  
2 application evidence under oath, satisfactory to the board,  
3 of his possessing the qualifications preliminary to  
4 examination required by ~~section~~ 66-2502. He shall pay to the  
5 department at the time of filing his application a fee as  
6 established by the board by rule. Said fee shall be  
7 commensurate with the cost of the examination and its  
8 administration and shall be deposited in the professional  
9 and occupational licensing earmarked account revenue fund  
10 ~~for the use of the board, subject to section 82A-1603 (6).~~  
11 Anyone failing to pass the required examination is entitled  
12 to a second examination within ~~six~~ (6) months."

13 Section 43. Section 66-2508, R.C.M. 1947, is amended  
14 to read as follows:

15 "66-2508. Annual renewal of license. A licensed  
16 physical therapist shall, during January, apply to the  
17 department for a renewal of his license and pay a fee of  
18 five dollars (~~\$5~~) the standard annual license fee specified  
19 in 82A-1608. A license that is not renewed before April,  
20 every year, automatically lapses. The board may in its  
21 discretion revive and renew a lapsed license on the payment  
22 of all past unpaid renewal fees."

23 Section 44. Section 66-2606, R.C.M. 1947, is amended  
24 to read as follows:

25 "66-2606. Water well contractor's ~~licenses~~ license.



1 (1) A person desiring to engage in the drilling, making, or  
 2 construction of one ~~(1)~~ or more wells for underground water  
 3 in this state shall first file an application with the  
 4 department for a contractor's license, setting out his  
 5 qualifications, the equipment proposed to be used in the  
 6 contracting, and other matters required by the board, on  
 7 forms adopted by the board. The department shall charge a  
 8 fee of ~~one hundred dollars (\$100)~~ for filing the application  
 9 of a person. The application shall not be acted on until the  
 10 fee has been paid. Fees collected under this section shall  
 11 be deposited in the professional and occupational licensing  
 12 earmarked account revenue fund for the use of the board,  
 13 ~~subject to section 82A-1603-(6)~~. A license to construct  
 14 water wells shall be issued to an applicant if, in the  
 15 opinion of the board, the applicant is qualified to conduct  
 16 water well construction operations. In the granting of  
 17 licenses, the board shall have due regard for the interest  
 18 of this state in the protection of its underground waters.

19 (2) A temporary water well contractor's license may be  
 20 issued to a person who, by evidence satisfactory to the  
 21 board, is found to possess the qualifications numbered (a)  
 22 through (f) in ~~section~~ 66-2608(1) and who has applied for a  
 23 license under this act. The temporary license entitles the  
 24 holder to engage in the business of drilling, making, or  
 25 constructing water wells until the time of the next

1 examination given under ~~section~~ 86-2608. On the applicant's  
 2 successfully meeting the board's requirements on  
 3 examination, the temporary license shall be returned to the  
 4 department and a regular license issued. If the holder of a  
 5 temporary license fails, after notice of the holding of an  
 6 examination, to submit himself for examination or to meet  
 7 the board's requirements, the temporary license expires and  
 8 shall be returned to the department for cancellation."

9 Section 45. Section 66-2607, R.C.M. 1947, is amended  
 10 to read as follows:

11 "66-2607. License year. The term for licenses issued  
 12 under this act is from July 1 of each year through the  
 13 following June 30. After the payment of the initial fee  
 14 under ~~section~~ 66-2606, a licensee shall pay, before the  
 15 first day of each license year, ~~a renewal fee of twenty-five~~  
 16 ~~dollars (\$25)~~ the standard annual license fee specified in  
 17 82A-1608. If a licensee does not apply for renewal of his  
 18 license before the first day of a license year, and remit to  
 19 the department the renewal fee, he shall have his license  
 20 suspended by the board; and, if the license remains  
 21 suspended for a period of more than ~~thirty (30)~~ days after  
 22 the first day of a license year, it shall be revoked by the  
 23 board. However, the department, prior to this revocation,  
 24 shall notify the licensee of the board's intention to revoke  
 25 at least ~~ten (10)~~ days prior to the time set for action to

1 be taken by the board on the license, by mailing notice to  
 2 the licensee at the address appearing for the licensee in  
 3 the records and files of the department. A license, once  
 4 revoked, may not be reinstated unless it appears that an  
 5 injustice has occurred indicating to the board that the  
 6 licensee was not guilty of negligence or laches. A person  
 7 whose license has been revoked, through his own fault, if he  
 8 desires to engage in the business of water well drilling in  
 9 this state, or contracting therefor, must apply under  
 10 ~~section~~ 66-2606. Notice of suspension shall be given a  
 11 licensee when the suspension occurs."

12 Section 46. Section 66-2706, R.C.M. 1947, is amended  
 13 to read as follows:

14 "66-2706. Disposition of fees. Money collected by the  
 15 department under this act shall be deposited ~~for the use of~~  
 16 ~~the board, subject to section 82A-1603 (6) in the~~  
 17 professional and occupational licensing earmarked account."

18 Section 47. Section 66-2711, R.C.M. 1947, is amended  
 19 to read as follows:

20 "66-2711. Mortician's license -- fee and renewal. (1)  
 21 The annual license fee for a mortician's license must be  
 22 postmarked before July 1 of the assessment year. The amount  
 23 of the annual renewal fee shall be the standard fee  
 24 specified in 82A-1608 set by the board but may not exceed  
 25 fifty dollars (\$50).

1 (2) Failure to pay the annual renewal fee results in  
 2 automatic suspension of the license. The license may be  
 3 reinstated by the payment of unpaid renewal fees plus a  
 4 penalty of ~~twenty-five dollars (\$25).~~"

5 Section 48. Section 66-2814, R.C.M. 1947, is amended  
 6 to read as follows:

7 "66-2814. Fees. Each electrical contractor shall  
 8 before July 1 of each year, file with the department an  
 9 application in writing for each firm operated by him in this  
 10 state to obtain a license. A license may not be issued until  
 11 the applicant meets the requirements and has paid to the  
 12 department a license fee of ~~seventy-five dollars (\$75)~~ for  
 13 each firm operated by him. Licenses shall bear the date of  
 14 issue and expire on July 1 following the date of issue. An  
 15 electrical contractor licensed under this act is entitled to  
 16 have his license renewed for the ensuing year by payment to  
 17 the department of ~~a fee of seventy-five dollars (\$75) before~~  
 18 ~~the date of expiration of the license~~ the standard annual  
 19 license fee specified in 82A-1608."

20 Section 49. Section 66-2819, R.C.M. 1947, is amended  
 21 to read as follows:

22 "66-2819. Disposition of fees. Money collected by the  
 23 department under this act shall be deposited in the  
 24 professional and occupational licensing earmarked revenue  
 25 fund, account for the use of the board, subject to section

1 ~~82A-1603-(6).~~"

2 Section 50. Section 66-2909, R.C.M. 1947, is amended  
3 to read as follows:

4 "66-2909. Renewal of license. ~~(1)~~ A license expires on  
5 December 31 of each year and shall be renewed then or  
6 thereafter, by the department, on payment of a ~~renewal fee~~  
7 ~~of not less than ten dollars (\$10) or more than twenty five~~  
8 ~~dollars (\$25), as set by the board~~ the standard annual  
9 license fee specified in 82A-1608.

10 (2) Any licensee who fails to renew on or before  
11 December 31 of each year shall be required to pay, in  
12 addition to the renewal fee, a late renewal fee, in an  
13 amount not to exceed ~~ten dollars (\$10)~~. Failure to so renew  
14 within ~~thirty (30)~~ days following December 31 shall be cause  
15 for suspension or revocation of the license."

16 Section 51. Section 66-2910, R.C.M. 1947, is amended  
17 to read as follows:

18 "66-2910. Disposition of fees — receipts and  
19 disbursements. (1) Examination and renewal fees received by  
20 the department under this act shall be deposited in the  
21 professional and occupational licensing earmarked ~~revenue~~  
22 ~~fund account for the use of the board, subject to section~~  
23 ~~82A-1603-(6).~~

24 (2) The department shall keep an accurate account of  
25 funds received and vouchers issued.

1 (3) The members of the board shall receive a  
2 compensation of ~~twenty five dollars (\$25)~~ for each day  
3 during which they are actually engaged in the discharge of  
4 their duties, and shall be allowed travel expenses, as  
5 provided for in ~~sections~~ 59-538, 59-539, and 59-801.

6 (4) Compensation, mileage, and other expenses  
7 necessarily connected with the board shall be paid only out  
8 of the professional and occupational licensing earmarked  
9 revenue fund account."

10 Section 52. Section 66-3016, R.C.M. 1947, is amended  
11 to read as follows:

12 "66-3016. Annual renewal fee. A person who practices  
13 the fitting of hearing aids shall annually pay to the  
14 department a ~~fee not to exceed eighty dollars (\$80) as set~~  
15 ~~by the board~~ the standard annual license fee specified in  
16 82A-1608 for a renewal of his license. The fee shall be  
17 increased ~~ten percent (10%)~~ for each month or major portion  
18 thereof that the payment of the renewal fee is delayed after  
19 the expiration date. The maximum fee for a delayed renewal  
20 shall not exceed twice the normal renewal fee as set by the  
21 board. A person who applies for renewal, whose license was  
22 suspended for failure to renew, is not required to submit to  
23 an examination as a condition of renewal for a ~~three (3)~~  
24 ~~year~~ 3-year year period after suspension."

25 Section 53. Section 66-3020, R.C.M. 1947, is amended

1 to read as follows:

2 "66-3020. Deposit of fees in earmarked revenue fund --  
3 per diem and travel expenses. (1) Fees collected by the  
4 department under this act shall be deposited in the  
5 professional and occupational licensing earmarked revenue  
6 fund account for the use of the board, ~~subject to section~~  
7 ~~82A-1603-(6)~~.

8 (2) Each member of the board shall receive ~~twenty~~  
9 ~~dollars~~ ~~(\$20)~~ compensation when actually engaged in the  
10 discharge of his official duty, and in addition shall also  
11 be reimbursed for travel expense, as provided for in  
12 ~~sections~~ 59-538, 59-539, and 59-801, in attending a meeting  
13 of the board in the state."

14 Section 54. Section 66-3105, R.C.M. 1947, is amended  
15 to read as follows:

16 "66-3105. Fees. ~~(a)~~ (1) Each person who applies for  
17 licensure, whether by waiver, examination, or reciprocity,  
18 shall be required to pay a fee of ~~twenty-five dollars~~ ~~(\$25)~~  
19 at the time of such application.

20 ~~(b)~~ (2) Each person licensed as a nursing home  
21 administrator shall be required to pay a license fee in an  
22 amount to be fixed by the board, not to exceed ~~one hundred~~  
23 ~~dollars~~ ~~(\$100)~~. A license shall expire on December 31, in  
24 the year for which it is issued, and shall be renewable  
25 annually upon timely payment of the standard annual license

1 fee specified in 82A-1608.

2 ~~(e)~~ (3) Each person registered as an inactive nursing  
3 home administrator shall be required to pay a registration  
4 fee in the amount of not more than ~~twenty-five dollars~~  
5 ~~(\$25)~~. An inactive registration shall expire on December 31,  
6 in the year for which it is issued, and shall be renewable  
7 annually upon timely payment of the ~~inactive registration~~  
8 standard annual license fee specified in 82A-1608.

9 ~~(d)~~ (4) The fee for issuing a duplicate license shall  
10 be ~~ten dollars~~ ~~(\$10)~~."

11 Section 55. Section 66-3211, R.C.M. 1947, is amended  
12 to read as follows:

13 "66-3211. Fees. (1) The department shall collect the  
14 following fees, none of which is refundable:

15 (a) Application fee ~~twenty-five dollars~~ ~~(\$25)~~ to  
16 ~~fifty dollars~~ ~~(\$50)~~;

17 (b) Examination fee--an amount commensurate with the  
18 charge of the professional examination service and  
19 administrative costs of the department and as set by the  
20 board;

21 (c) Certificate fee ~~ten dollars~~ ~~(\$10)~~;

22 (d) Renewal fee ~~twenty dollars~~ ~~(\$20)~~ ~~to fifty dollars~~  
23 ~~(\$50)~~ the standard annual license fee specified in 82A-1608.

24 (2) The board may set the application fee ~~and the~~  
25 ~~annual renewal fee~~ annually within the above limits.

1       ~~(2)~~ (3) The initial certificate fee shall be prorated  
2 as follows:

3       (a) If the certificate is issued between January 2 and  
4 March 31 .... ~~ten dollars (\$10)~~;

5       (b) If the certificate is issued between April 1 and  
6 June 30 .... ~~seven dollars and fifty cents (\$7.50)~~;

7       (c) If the certificate is issued between July 1 and  
8 September 30 .... ~~five dollars (\$5)~~;

9       (d) If the certificate is issued between October 1 and  
10 January 1 .... ~~two dollars and fifty cents (\$2.50)~~;

11       ~~(3)~~ (4) Renewal certificates shall be secured annually  
12 and dated January 2.

13       ~~(4)~~ (5) Fees received by the department shall be  
14 deposited in the professional and occupational licensing  
15 earmarked revenue fund account for the use of the board,  
16 subject to section 82A-1603 (6)."

17       Section 56. Section 66-3330, R.C.M. 1947, is amended  
18 to read as follows:

19       "66-3330. Fee schedule -- earmarked revenue fund --  
20 purpose for which funds may be expended. (1) The amount of  
21 fees prescribed by this act, unless otherwise fixed, is that  
22 fixed in the following schedule:

23       (a) An application for an original license in any  
24 classification shall be accompanied by an investigation fee  
25 of ~~twenty-five dollars (\$25)~~.

1       (b) The annual fee for an original license or renewal  
2 thereof shall be fixed by the director but shall not exceed  
3 ~~fifty dollars (\$50)~~.

4       (2) Fees collected by the department shall be  
5 deposited in the professional and occupational licensing  
6 earmarked revenue fund account for the use of the department  
7 in administering this chapter."

8       Section 57. Section 66-3410, R.C.M. 1947, is amended  
9 to read as follows:

10       "66-3410. Term of license -- renewal -- fee -- notice  
11 -- cancellation. (1) The license to practice acupuncture  
12 shall expire on December 31 of each calendar year and shall  
13 be renewed upon request of the licensee without examination.  
14 The request for renewal shall be on forms prescribed by the  
15 board and accompanied by a renewal fee of ~~twenty dollars~~  
16 ~~(\$20)~~ the amount specified in 82A-1608. The request and fee  
17 shall be in the hands of the secretary of the board not  
18 later than the expiration date of the license. Any person  
19 actively engaged in the military service of the United  
20 States and licensed to practice acupuncture as herein  
21 provided shall not be required to pay the annual renewal fee  
22 or make application for renewal until December 31 of the  
23 calendar year in which he returns from military service to  
24 civilian or inactive status.

25       (2) On or before December 1 of each calendar year the

1 secretary of the board shall notify each licensee by letter,  
 2 addressed to his last place of residence as the same appears  
 3 on the records of the board, that his license will expire on  
 4 December 31 following the date of notice unless application  
 5 for renewal, accompanied by the annual renewal fee, is  
 6 received by the board on or prior to that date.

7 (3) Immediately following December 31 of each calendar  
 8 year, the secretary shall notify all licensees from whom  
 9 requests for renewal, accompanied by the renewal fee, have  
 10 not been received that their licenses have expired and that  
 11 they will be cancelled and revoked upon the records of the  
 12 board, unless a request for renewal and reinstatement,  
 13 accompanied by the renewal fee and an additional fee of ~~five~~  
 14 ~~dollars--(\$5)~~, shall be in the hands of the secretary prior  
 15 to February 1 following the expiration date.

16 (4) Immediately following February 1 of each calendar  
 17 year, the secretary of the board shall cancel and revoke  
 18 upon its records all licenses which have not been renewed or  
 19 reinstated as provided by this act, and shall notify the  
 20 licensees whose licenses are so revoked of such action.

21 (5) Any licensee who allows his license to lapse by  
 22 failing to renew or reinstate the same as herein provided,  
 23 may subsequently reinstate the same upon good cause shown to  
 24 the satisfaction of the board and upon payment of all annual  
 25 renewal fees then accrued plus an additional fee of five

1 ~~dollars--(\$5)~~ for each year following the cancelling of the  
 2 license."

3 Section 58. Section 66-3413, P.C.M. 1947, is amended  
 4 to read as follows:

5 "66-3413. Deposit of fees. All moneys received under  
 6 this act shall be deposited ~~with the state treasurer and~~  
 7 ~~credited to an account to be designated by him. No money~~  
 8 ~~shall be paid out of the fund except upon vouchers drawn~~  
 9 ~~against the fund, signed and certified to by the secretary~~  
 10 ~~of the board. All funds so credited shall be available to~~  
 11 ~~the board for the payment of expenses incurred by it in the~~  
 12 ~~performance of its duties under this act in the professional~~  
 13 ~~and occupational licensing earmarked account."~~

14 Section 59. Section 66-3505, R.C.M. 1947, is amended  
 15 to read as follows:

16 "66-3505. Earmarked account. Money paid for license  
 17 and equipment fees under this act shall be deposited in ~~an~~  
 18 the professional and occupational licensing earmarked  
 19 revenue account ~~for the use of the board, subject to section~~  
 20 ~~82A-1603(6)."~~

21 Section 60. Section 66-3509, R.C.M. 1947, is amended  
 22 to read as follows:

23 "66-3509. License fees -- examination fees. Each  
 24 applicant for a master license shall pay a ~~seventy-five~~  
 25 ~~dollar--(\$75)~~ application fee, and each applicant for a

1 journeyman's license shall pay a ~~thirty-five dollar~~ ~~(\$35)~~  
 2 application fee. All licenses and renewals expire on July 1  
 3 of each year. Renewal fees shall be ~~set annually by the~~  
 4 ~~board and may not exceed the application fees~~ the standard  
 5 annual fee specified in 82A-1608. Examination fees shall be  
 6 set by the board but not to exceed ~~fifty dollars~~ ~~(\$50)~~ for a  
 7 master examination and ~~twenty-five dollars~~ ~~(\$25)~~ for a  
 8 journeyman examination."

9 Section 61. Section 66-3608, R.C.M. 1947, is amended  
 10 to read as follows:

11 "66-3608. Fees -- earmarked revenue fund. (1) The fee  
 12 for an original electrologist license shall not exceed ~~fifty~~  
 13 ~~dollars~~ ~~(\$50)~~ as set by the board. The renewal shall be  
 14 automatic, unless revoked or suspended for cause, and the  
 15 renewal fee shall be the standard annual license fee  
 16 specified in 82A-1608 ~~set by the board~~.

17 (2) The fee for an original electrologist salon  
 18 license shall be the same as that for cosmetology salons.  
 19 The renewal fee shall be the same as that for cosmetology  
 20 salons.

21 (3) All licenses issued under this act expire on  
 22 December 31 and shall be renewed annually.

23 (4) All fees or moneys collected by the department  
 24 under this act shall be deposited in the professional and  
 25 occupational licensing ~~earmarked revenue fund~~ account ~~for~~

1 ~~the use of the board in administration of the act."~~

2 Section 62. Section 66-3707, R.C.M. 1947, is amended  
 3 to read as follows:

4 "66-3707. Licenses -- permits. (1) The board shall  
 5 issue a license or permit to each applicant who has  
 6 submitted a nonrefundable licensing fee set by the board  
 7 not to exceed ~~fifty dollars~~ ~~(\$50)~~ and has met the  
 8 requirements of this act. Fees collected by the department  
 9 shall be deposited in the professional and occupational  
 10 licensing ~~earmarked revenue fund~~ account ~~for the use of the~~  
 11 ~~board in administering this act~~.

12 (2) The board may issue a permit to an applicant not  
 13 qualifying for the issuance of a license under the  
 14 provisions of this act but who has demonstrated to the  
 15 satisfaction of the board the capability of performing high  
 16 quality x-ray examinations without endangering public health  
 17 and safety. Permits issued under provisions of this section  
 18 shall specify x-ray examinations that may be performed by  
 19 the holder. Permits shall be valid for a period not to  
 20 exceed ~~twelve~~ ~~(12)~~ months but may be renewed under the  
 21 provisions for original issuance.

22 (3) Applicants meeting minimum requirements for  
 23 licensure shall be issued a temporary permit to work as a  
 24 radiologic technologist. This temporary permit shall expire  
 25 ~~fifteen~~ ~~(15)~~ days after the date of first opportunity for

1 examination.

2 (4) The board shall issue temporary permits to  
3 uncertified persons to practice as radiologic technologist  
4 when adequate evidence is provided the board that such a  
5 permit is necessary because of a regional hardship or  
6 emergency condition and that such person is capable of  
7 performing x-ray examinations without endangering public  
8 health and safety. Temporary permits shall not exceed  
9 ~~twelve (12)~~ months in duration but may be renewed by  
10 reestablishing, to the board's satisfaction, evidence of  
11 continued regional hardship or emergency conditions.

12 (5) Every radiologic technologist shall carry his  
13 license or permit while at work. The license or permit  
14 shall be displayed on request."

15 Section 63. Section 66-3709, R.C.M. 1947, is amended  
16 to read as follows:

17 "66-3709. Expiration of license — renewal. (1)  
18 Licenses expire on December 31 of the first even-numbered  
19 year following the year of their issuance and on every  
20 even-numbered year thereafter.

21 (2) A license shall be renewed by the board upon  
22 payment of a the standard annual license fee ~~set by the~~  
23 ~~board specified in 82A-1608~~ and submission of a renewal  
24 application containing such information as the board ~~deems~~  
25 considers necessary to show that the applicant for renewal

1 is a radiologic technologist in good standing.

2 (3) A radiologic technologist who has been heretofore  
3 duly licensed in Montana and whose license has not been  
4 revoked or suspended, and who has temporarily ceased  
5 activities as a radiologic technologist for not more than  
6 ~~five (5)~~ years, may apply for reissuance of a license upon  
7 complying with the provisions of this section, including  
8 payment of an application fee."

9 Section 64. Section 66-3807, R.C.M. 1947, is amended  
10 to read as follows:

11 "66-3807. License fees — expiration — reciprocity.

12 (1) Certification of licensure or renewal of registration  
13 expire on the last day of June following their issuance or  
14 renewal. Renewal may be effected during the month of June  
15 by payment to the department of the required fee.

16 (2) Any registrant in good standing, upon ceasing to  
17 practice landscape architecture, may suspend his license by  
18 giving written notice to the board. Thereafter, he may  
19 resume practice upon payment of the then current fee, and  
20 upon approval by the board. Any registrant, other than a  
21 properly withdrawn licensee, who fails to renew his  
22 registration within a period of ~~sixty (60)~~ days may be  
23 reinstated only on reexamination. The board shall issue  
24 current renewal registration to each landscape architect  
25 promptly upon payment of the standard annual ~~renewal~~



1 ~~registration license fee specified in 82A-1608.~~

2 (3) All fees received under the provisions of this act  
3 shall be deposited in ~~an~~ the professional and occupational  
4 licensing earmarked ~~revenue fund account~~ by the department.  
5 ~~The moneys collected shall be used by the department to~~  
6 ~~carry out the purpose, duties, and responsibilities of the~~  
7 ~~act, subject to section 82A-1603(6).~~

8 (4) The board may certify for licensure without  
9 examination an applicant who is legally registered as a  
10 landscape architect in any other state or country whose  
11 requirements for licensure are substantially equivalent to  
12 the requirements of this state and which extends the same  
13 privilege of reciprocity to landscape architects from this  
14 state."

15 Section 65. Section 66-3910, R.C.M. 1947, is amended  
16 to read as follows:

17 "66-3910. Licensing. (1) The amount of fees prescribed  
18 in connection with a license as a speech pathologist or  
19 audiologist shall be as follows, the exact fee to be  
20 determined by the board each year based on costs and  
21 predicted expenditures:

22 (a) application and examination fee for a license, no  
23 less than ~~fifty dollars (\$50) nor or more than one hundred~~  
24 ~~dollars (\$100);~~

25 (b) license fee, ~~and renewal thereof,~~ no less than

1 ~~twenty-five dollars (\$25) nor or more than one hundred~~  
2 ~~dollars (\$100), and renewal thereof, the standard annual~~  
3 ~~license fee specified in 82A-1608.~~

4 (2) All moneys received by the department shall be  
5 deposited in the state treasury to the credit of the  
6 professional and occupational licensing earmarked ~~revenue~~  
7 ~~fund account for the use of the board and subject to~~  
8 ~~section 82A-1603(6).~~

9 (3) Each licensed speech pathologist or audiologist  
10 shall on or before July 31 of the year of expiration of his  
11 license pay to the board the fee for the renewal of his  
12 license.

13 (4) Renewal will be every two years beginning on July  
14 1 of the appropriate year.

15 (5) A suspended license is subject to expiration and  
16 may be renewed as provided in this section, but such renewal  
17 does not entitle the licensee while the license remains  
18 suspended to engage in the licensed activity, or in any  
19 other activity or conduct which violates the order or  
20 judgment by which the license was suspended.

21 (6) A license revoked on disciplinary grounds is  
22 subject to expiration, and it may not be renewed. If it is  
23 reinstated after its expiration, the licensee, as a  
24 condition of reinstatement, shall pay a reinstatement fee in  
25 an amount equal to the renewal fee in effect on the last

1 preceding regular renewal date before the date on which it  
2 is reinstated, plus the delinquency fee, if any, accrued at  
3 the time of its revocation.

4 (7) A person who fails to renew his license within the  
5 ~~four (4)~~ years after its expiration may not renew it, and it  
6 may not be restored, reissued, or reinstated thereafter; but  
7 such a person may reapply for and obtain a new license if he  
8 meets the requirements of the act.

9 (8) No license tax shall be imposed upon speech  
10 pathologists or audiologists by a municipality or any other  
11 subdivision of the state."

12 Section 66. Section 62-505, R.C.M. 1947, is amended to  
13 read as follows:

14 "62-505. Duties of board, department, and licensees —  
15 license fee. The board shall adopt rules to govern race  
16 meets and the ~~parimutuel~~ pari-mutuel system. These rules  
17 shall include the following: definitions, auditing, and  
18 supervision of the ~~parimutuel~~ pari-mutuel system, corrupt  
19 practices, supervision, duties and responsibilities of the  
20 presiding steward, racing secretary and other racing  
21 officials, licensing of all personnel who have anything to  
22 do with the substantive operation of racing, the  
23 establishment of dates for race meets and meetings in the  
24 best interests of breeding and racing in this state, and the  
25 veterinary practices and standards which must be observed in

1 connection with race meets. A person who participates in a  
2 race meet shall be licensed and charged ~~at the standard~~  
3 license annual fee ~~not to exceed ten dollars (\$10) specified~~  
4 in 82A-1608, which shall be paid to the department and ~~used~~  
5 ~~for expenses of the board, subject to section 82A-1603 (6)~~  
6 deposited in the professional and occupational licensing  
7 earmarked account. Each person holding a license under this  
8 chapter, and every owner, trainer, jockey, and attendant at  
9 a race course in this state, shall comply with this chapter  
10 and with the rules adopted and orders issued by the board."

11 Section 67. Section 62-515, R.C.M. 1947, is amended to  
12 read as follows:

13 "62-515. Deposit of unclaimed money. Each licensee  
14 holding a horse race meeting shall within ~~thirty (30)~~ days  
15 of the end of the meeting pay to the department of  
16 professional and occupational licensing for deposit in the  
17 professional and occupational licensing earmarked revenue  
18 fund account for the board of horse racing all unclaimed  
19 winning ticket money from any pari-mutuel pool."

-End-

STATE OF MONTANA

REQUEST NO. 540-77

FISCAL NOTE

Form BD-15

In compliance with a written request received February 16, 19 77, there is hereby submitted a Fiscal Note for Senate Bill 39 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 establishing a standard annual renewal fee; providing for one earmarked account for the various licensing boards.

ASSUMPTIONS:

- 1. FY 76 renewal projections are used.
2. Senate Bill 39 will not affect expenditures.
3. This bill omits certain boards involving 465 individuals.

FISCAL IMPACT:

Table with 3 columns: Description, FY 78, FY 79. Rows include Estimated revenue under current law, proposed law, and decreased revenue under proposed law.

TECHNICAL NOTES:

- 1. Section 66-815 which relates to fees for cosmetologists should possibly be amended rather than Section 66-816 which relates to delinquent renewal fees.
2. Section 4(3) relating to transitional treatment of earmarked accounts may need clarification.
3. Section 66-2104(3) Compensation of board members . . . was amended in 1975 giving the board members compensation of \$25.00 per day. Senate Bill 39 states \$5.00 per day.
4. The bill omits abstractor individuals, mortuaries, funeral directors, registrants under the Dangerous Drug Law in Board of Pharmacy, private investigators, and sanitarians.

Richard L. Drayton (handwritten signature)

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-22-77