

CHAPTER NO. ~~388~~

SENATE BILL NO. 498

INTRODUCED BY ROSKIE, RYAN

BY REQUEST OF THE BOARD OF ARCHITECTS

IN THE SENATE

February 13, 1979	Introduced and referred to Committee on State Administration.
February 15, 1979	Fiscal note requested.
February 17, 1979	Committee recommend bill do pass. Report adopted.
February 19, 1979	Printed and placed on members' desks.
February 20, 1979	Second reading, pass consideration.
February 21, 1979	Fiscal note returned.  Rules suspended so that Statement of Intent allowed to be attached prior to second reading.
	Second reading, do pass as amended.
February 22, 1979	Correctly engrossed.
February 23, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 27, 1979	Introduced and referred to Committee on Business and Industry.
March 6, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 7, 1979	Second reading, concurred in.
March 9, 1979	Third reading, concurred in as amended.

IN THE SENATE

March 10, 1979	Returned from second house. Concurred in as amended.
March 12, 1979	Second reading, pass consideration.
March 13, 1979	Second reading, amendments adopted.
March 14, 1979	Third reading, amendments adopted. Sent to enrolling. Reported correctly enrolled.

1 *Sen. Bill NO. 498*  
 2 INTRODUCED BY *Rockie Ryan*  
 3 BY REQUEST OF THE BOARD OF ARCHITECTS

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE  
 6 LAW RELATING TO ARCHITECTURE; TO REESTABLISH THE BOARD OF  
 7 ARCHITECTS AND REVISE BOARD MEMBERSHIP; TO REDEFINE "PUBLIC  
 8 BUILDING"; TO REVISE REEXAMINATION PROVISIONS; TO ALLOW THE  
 9 BOARD TO FIX REASONABLE FEES; TO ALLOW THE BOARD TO  
 10 PRESCRIBE CONTINUING EDUCATION PROGRAMS; AMENDING SECTIONS  
 11 2-8-103, 2-15-1651, 18-2-101, 37-65-102, 37-65-303,  
 12 37-65-304, AND 37-65-306, MCA; REPEALING SECTIONS 18-2-115  
 13 AND 37-65-309, MCA; AND PROVIDING AN EFFECTIVE DATE."

14  
 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 NEW SECTION. Section 1. Board reestablished. The  
 17 board of architects created by 2-15-1651 is reestablished  
 18 for a period of 6 years pursuant to 2-8-122.

19 Section 2. Section 2-8-103, MCA, is amended to read:

20 "2-8-103. Agencies to terminate. (1) The following  
 21 agencies shall terminate on July 1, 1979:

22 (a) board of abstracters, department of professional  
 23 and occupational licensing, created by 2-15-1643;

24 (b) board of public accountants, department of  
 25 professional and occupational licensing, created by

1 2-15-1641;  
 2 ~~(c) board of architects, department of professional~~  
 3 ~~and occupational licensing, created by 2-15-1651;~~  
 4 ~~(d) state banking board, department of business~~  
 5 ~~regulation, created by 2-15-1803;~~  
 6 ~~(e) state electrical board, department of~~  
 7 ~~professional and occupational licensing, created by~~  
 8 ~~2-15-1654;~~  
 9 ~~(f) board of professional engineers and land~~  
 10 ~~surveyors, department of professional and occupational~~  
 11 ~~licensing, created by 2-15-1653;~~  
 12 ~~(g) office of commissioner of insurance and the~~  
 13 ~~insurance department, state auditor's office, created by~~  
 14 ~~2-15-1902 and 2-15-1903;~~  
 15 ~~(h) office of the investment commissioner, state~~  
 16 ~~auditor's office, created by 2-15-1901;~~  
 17 ~~(i) board of landscape architects, department of~~  
 18 ~~professional and occupational licensing, created by~~  
 19 ~~2-15-1652;~~  
 20 ~~(j) board of county printing, department of~~  
 21 ~~community affairs, created by 2-15-1102;~~  
 22 ~~(k) board of plumbers, department of professional~~  
 23 ~~and occupational licensing, created by 2-15-1655;~~  
 24 ~~(l) board of real estate, department of~~  
 25 ~~professional and occupational licensing, created by~~

1 2-15-1642;  
 2 ~~(m)(1)~~ state board of warm air heating, ventilation,  
 3 and air conditioning, department of professional and  
 4 occupational licensing, created by 2-15-1656;  
 5 ~~(n)(1)~~ board of institutions, department of  
 6 institutions, created by 2-15-2303.  
 7 (2) The following agencies shall terminate on July 1,  
 8 1981:  
 9 (a) commission for human rights, department of labor  
 10 and industry, created by 2-15-1706;  
 11 (b) board of athletics, department of professional and  
 12 occupational licensing, created by 2-15-1661;  
 13 (c) board of barbers, department of professional and  
 14 occupational licensing, created by 2-15-1625;  
 15 (d) board of chiropractors, department of professional  
 16 and occupational licensing, created by 2-15-1613;  
 17 (e) board of cosmetologists, department of  
 18 professional and occupational licensing, created by  
 19 2-15-1626;  
 20 (f) board of dentists, department of professional and  
 21 occupational licensing, created by 2-15-1606;  
 22 (g) board of hearing aid dispensers, department of  
 23 professional and occupational licensing, created by  
 24 2-15-1616;  
 25 (h) board of massage therapists, department of

1 professional and occupational licensing, created by  
 2 2-15-1627;  
 3 (i) Montana state board of medical examiners,  
 4 department of professional and occupational licensing,  
 5 created by 2-15-1605;  
 6 (j) board of morticians, department of professional  
 7 and occupational licensing, created by 2-15-1619;  
 8 (k) board of nursing, department of professional and  
 9 occupational licensing, created by 2-15-1610;  
 10 (l) board of nursing home administrators, department  
 11 of professional and occupational licensing, created by  
 12 2-15-1611;  
 13 (m) board of optometrists, department of professional  
 14 and occupational licensing, created by 2-15-1612;  
 15 (n) board of osteopathic physicians, department of  
 16 professional and occupational licensing, created by  
 17 2-15-1607;  
 18 (o) board of pharmacists, department of professional  
 19 and occupational licensing, created by 2-15-1609;  
 20 (p) board of podiatry examiners, department of  
 21 professional and occupational licensing, created by  
 22 2-15-1608;  
 23 (q) board of psychologists, department of professional  
 24 and occupational licensing, created by 2-15-1617;  
 25 (r) board of radiologic technologists, department of

1 professional and occupational licensing, created by  
2 2-15-1614;

3 (s) board of speech pathologists and audiologists,  
4 department of professional and occupational licensing,  
5 created by 2-15-1615;

6 (t) board of veterinarians, department of professional  
7 and occupational licensing, created by 2-15-1618;

8 (u) board of veterans' affairs, department of social  
9 and rehabilitation services, created by 2-15-2202.

10 (3) The following units of state government shall  
11 terminate on July 1, 1983:

12 (a) board of aeronautics, department of community  
13 affairs, created by 2-15-1103;

14 (b) state board of hail insurance, department of  
15 agriculture, created by 2-15-3003;

16 (c) board of horseracing, department of professional  
17 and occupational licensing, created by 2-15-1662;

18 (d) board of livestock, department of livestock,  
19 created by 2-15-3102;

20 (e) board of milk control, department of business  
21 regulation, created by 2-15-1802;

22 (f) board of oil and gas conservation, department of  
23 natural resources and conservation, created by 2-15-3303;

24 (g) Montana outfitters council, department of fish and  
25 game, created by 2-15-3403;

1 (h) public service commission, department of public  
2 service regulation, created by 69-1-102;

3 (i) board of sanitarians, department of professional  
4 and occupational licensing, created by 2-15-1631;

5 (j) board of water and wastewater operators,  
6 department of health and environmental sciences, created by  
7 2-15-2105;

8 (k) board of water well contractors, department of  
9 professional and occupational licensing, created by  
10 2-15-1632.

11 (4) The following agency terminates on July 1, 1983:  
12 the board of architects created by 2-15-1651."

13 Section 3. Section 2-15-1651, MCA, is amended to read:  
14 "2-15-1651. Board of architects. (1) There is a board  
15 of architects.

16 (2) The board consists of ~~three~~ **four** members appointed  
17 by the governor with the consent of the senate. The members  
18 are:

19 (a) Each member shall be a skilled and capable  
20 architect two registered architects who has have been in  
21 continuous practice for 3 years before his their  
22 appointments; Not more than two members shall be residents  
23 of the same county

24 (b) one registered architect who is on the permanent  
25 staff of the Montana state university school of

1 ~~architecture; and~~

2 ~~(c) one representative of the public who is not~~  
 3 ~~engaged in or directly connected with the practice of~~  
 4 ~~architecture.~~

5 ~~(3) Each member must have been a resident of Montana~~  
 6 ~~for 4 years prior to appointment.~~

7 ~~(3)(4) Each member shall serve for a term of 3 years.~~

8 ~~(4)(5) The board is allocated to the department for~~  
 9 ~~administrative purposes only as prescribed in 2-15-121."~~

10 Section 4. Section 18-2-101, MCA, is amended to read:

11 "18-2-101. Definitions of building and construction.

12 In part 1 of this chapter, with the exception of 18-2-104,  
 13 18-2-107, and 18-2-113, through ~~18-2-115~~ and ~~18-2-114~~:

14 (1) "building" includes:

15 (a) a building, facility, or structure constructed or  
 16 purchased wholly or in part with state moneys;

17 (b) a building, facility, or structure at a state  
 18 institution;

19 (c) a building, facility, or structure owned or to be  
 20 owned by a state agency, including the department of  
 21 highways;

22 (2) "building" does not include:

23 (a) a building, facility, or structure owned or to be  
 24 owned by a county, city, town, school district, or special  
 25 improvement district;

1 (b) a facility or structure used as a component part  
 2 of a highway or water conservation project;

3 (3) "construction" includes construction, repair,  
 4 alteration, and equipping and furnishing during  
 5 construction, repair, or alteration."

6 Section 5. Section 37-65-102, MCA, is amended to read:

7 "37-65-102. Definitions. Unless the context requires  
 8 otherwise, in this chapter the following definitions apply:

9 (1) "Architect" means an individual technically and  
 10 legally qualified to practice architecture and who is  
 11 authorized under this chapter to practice architecture.

12 (2) "Board" means the board of architects provided for  
 13 in 2-15-1651.

14 (3) "Building" means a structure intended primarily  
 15 for human occupancy or use.

16 (4) "Department" means the department of professional  
 17 and occupational licensing provided for in Title 2, chapt  
 18 15, part 16.

19 (5) "Practice of architecture" means rendering or  
 20 offering to render services by consultations, preliminary  
 21 studies, drawings, specifications, or other services in  
 22 connection with the design of a building or addition or  
 23 alteration thereto, whether one or all of these services are  
 24 performed either in person or as the directing head of an  
 25 organization.

1 (6) "Public building" means any building which--the  
2 state---or---any---political---subdivision---thereof---maintains  
3 maintained for the use of the public."

4 Section 6. Section 37-65-303, MCA, is amended to read:

5 "37-65-303. Application -- examination -- issuance of  
6 certificate. (1) A person wishing to practice architecture  
7 in this state shall apply to the department for a  
8 certificate to do so. A person applying shall have  
9 successfully completed the requirement of prerequisites in  
10 education, practical experience, and a written examination  
11 as prescribed by the board. The examination must be  
12 substantial conformance with the standard national council  
13 of architectural registration boards examination and grading  
14 procedure, except as modified by board rule.

15 (2) After examination the department shall, if the  
16 candidate has been found qualified, grant a certificate to  
17 the candidate to practice architecture in this state, which  
18 may only be granted on the consent of not less than two  
19 members of the board, attested by the secretary, and have  
20 the seal of the board attached."

21 Section 7. Section 37-65-304, MCA, is amended to read:

22 "37-65-304. Examination fee -- deposit of fee. (1)  
23 Applicants for examination shall pay in advance to the  
24 department a fee set by the board, commensurate with the  
25 cost, which shall defray the entire examination expense of

1 the candidate. An applicant failing to pass the examination  
2 is entitled to a ~~second examination~~ within ~~one~~ year  
3 reexamination at the next scheduled examination on payment  
4 of a reasonable fee prescribed by the board.

5 (2) The money received from the applicant shall be  
6 deposited in the earmarked revenue fund for the use of the  
7 board, subject to 37-1-101(6)."

8 Section 8. Section 37-65-306, MCA, is amended to read:

9 "37-65-306. Annual renewal fee. A licensed architect  
10 in this state who desires to continue the practice of his  
11 profession shall annually during the month of July, during  
12 the time he continues in this practice:

13 (1) pay to the department a reasonable fee of \$20, as  
14 prescribed by the board; and

15 (2) present evidence to the board of compliance with  
16 any continuing education requirements imposed by the board."

17 NEW SECTION. Section 9. Continuing education. (1) The  
18 board may by rule prescribe continuing education  
19 requirements for license renewal.

20 (2) If the board prescribes continuing education  
21 requirements, the rules shall provide for the method of  
22 compliance, such as:

23 (a) attendance at approved classroom or seminar-type  
24 instruction programs; or

25 (b) passing an examination.

1       (3) If classroom or seminar-type instruction is  
2 required, the board shall by rule:

3       (a) make determinations as to approved programs; and

4       (b) prescribe the number of hours required for  
5 compliance.

6       (4) If an examination is required, the board shall by  
7 rule prescribe:

8       (a) the subjects of the examination; and

9       (b) the grade required to pass the examination.

10       Section 10. Transition. Section 3 does not affect the  
11 terms of office of persons who are members of the board on  
12 July 1, 1979, and such members shall serve the remainder of  
13 their unexpired terms. All appointments made and vacancies  
14 filled after July 1, 1979, must be in accordance with  
15 section 3.

16       Section 11. Codification. Section 9 is intended to be  
17 codified as an integral part of Title 37, chapter 65. The  
18 provisions of Title 37, chapter 65, apply to section 9, and  
19 section 9 applies to the provisions of Title 37, chapter 65.  
20 All references in the MCA to Title 37, chapter 65, include  
21 section 9.

22       Section 12. Repealer. Sections 18-2-115 and 37-65-309,  
23 MCA, are repealed.

24       Section 13. Effective date of certain sections.  
25 Sections 1 and 2 are effective on passage and approval.

-End-



## STATE OF MONTANA

Request No. 388-79

## FISCAL NOTE

Form BD-15

In compliance with a written request received February 16, 1979, there is hereby submitted a Fiscal Note for Senate Bill 498 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:

To revise the law relating to architecture, to reestablish the board of architects and revise board membership from 3 to 4 members to include a member of the public; to revise definitions and re-examination provisions; to change fee schedules and to allow the board to prescribe continuing education requirements.

## ASSUMPTIONS:

1. Board will increase from 3-4 members.
2. Travel, telephone and postage costs will increase.
3. Board FTE's will increase .10 FTE with workload of maintaining a continuing education program.

## FISCAL IMPACT:

	<u>FY 80</u>	<u>FY 81</u>
Estimated expenditures under proposed law	\$15,084	\$15,790
Estimated expenditures under current law	<u>13,484</u>	<u>14,190</u>
Increased expenses under proposed law	<u>\$ 1,600</u>	<u>1,600</u>

Funding is from an earmarked revenue fund account.

*Richard L. Young*  
 BUDGET DIRECTOR  
 Office of Budget and Program Planning  
 Date: 2/21/79

1 *Amended* BILL NO. *498*  
 2 INTRODUCED BY *Rashie Ryan*  
 3 BY REQUEST OF THE BOARD OF ARCHITECTS

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE  
 6 LAW RELATING TO ARCHITECTURE; TO REESTABLISH THE BOARD OF  
 7 ARCHITECTS AND REVISE BOARD MEMBERSHIP; TO REDEFINE "PUBLIC  
 8 BUILDING"; TO REVISE REEXAMINATION PROVISIONS; TO ALLOW THE  
 9 BOARD TO FIX REASONABLE FEES; TO ALLOW THE BOARD TO  
 10 PRESCRIBE CONTINUING EDUCATION PROGRAMS; AMENDING SECTIONS  
 11 2-8-103, 2-15-1651, 18-2-101, 37-65-102, 37-65-303,  
 12 37-65-304, AND 37-65-306, MCA; REPEALING SECTIONS 18-2-115  
 13 AND 37-65-309, MCA; AND PROVIDING AN EFFECTIVE DATE."

14  
 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 NEW SECTION. Section 1. Board reestablished. The  
 17 board of architects created by 2-15-1651 is reestablished  
 18 for a period of 6 years pursuant to 2-8-122.

19 Section 2. Section 2-8-103, MCA, is amended to read:  
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 21 agencies shall terminate on July 1, 1979:

22 (a) board of abstracters, department of professional  
 23 and occupational licensing, created by 2-15-1643;

24 (b) board of public accountants, department of  
 25 professional and occupational licensing, created by

1 2-15-1641;  
 2 ~~(e) board of architects, department of professional~~  
 3 ~~and occupational licensing, created by 2-15-1651;~~

4 ~~(d)(c)~~ state banking board, department of business  
 5 regulation, created by 2-15-1803;

6 ~~(e)(d)~~ state electrical board, department of  
 7 professional and occupational licensing, created by  
 8 2-15-1654;

9 ~~(f)(c)~~ board of professional engineers and land  
 10 surveyors, department of professional and occupational  
 11 licensing, created by 2-15-1653;

12 ~~(g)(f)~~ office of commissioner of insurance and the  
 13 insurance department, state auditor's office, created by  
 14 2-15-1902 and 2-15-1903;

15 ~~(h)(g)~~ office of the investment commissioner, state  
 16 auditor's office, created by 2-15-1901;

17 ~~(i)(h)~~ board of landscape architects, department of  
 18 professional and occupational licensing, created by  
 19 2-15-1652;

20 ~~(j)(i)~~ board of county printing, department of  
 21 community affairs, created by 2-15-1102;

22 ~~(k)(j)~~ board of plumbers, department of professional  
 23 and occupational licensing, created by 2-15-1655;

24 ~~(l)(k)~~ board of real estate, department of  
 25 professional and occupational licensing, created by

1 2-15-1642;  
 2 ~~(m)(1)~~ state board of warm air heating, ventilation,  
 3 and air conditioning, department of professional and  
 4 occupational licensing, created by 2-15-1656;  
 5 ~~(m)(1)~~ board of institutions, department of  
 6 institutions, created by 2-15-2303.  
 7 (2) The following agencies shall terminate on July 1,  
 8 1981:  
 9 (a) commission for human rights, department of labor  
 10 and industry, created by 2-15-1706;  
 11 (b) board of athletics, department of professional and  
 12 occupational licensing, created by 2-15-1661;  
 13 (c) board of barbers, department of professional and  
 14 occupational licensing, created by 2-15-1625;  
 15 (d) board of chiropractors, department of professional  
 16 and occupational licensing, created by 2-15-1613;  
 17 (e) board of cosmetologists, department of  
 18 professional and occupational licensing, created by  
 19 2-15-1626;  
 20 (f) board of dentists, department of professional and  
 21 occupational licensing, created by 2-15-1606;  
 22 (g) board of hearing aid dispensers, department of  
 23 professional and occupational licensing, created by  
 24 2-15-1616;  
 25 (h) board of massage therapists, department of

1 professional and occupational licensing, created by  
 2 2-15-1627;  
 3 (i) Montana state board of medical examiners,  
 4 department of professional and occupational licensing,  
 5 created by 2-15-1605;  
 6 (j) board of morticians, department of professional  
 7 and occupational licensing, created by 2-15-1619;  
 8 (k) board of nursing, department of professional and  
 9 occupational licensing, created by 2-15-1610;  
 10 (l) board of nursing home administrators, department  
 11 of professional and occupational licensing, created by  
 12 2-15-1611;  
 13 (m) board of optometrists, department of professional  
 14 and occupational licensing, created by 2-15-1612;  
 15 (n) board of osteopathic physicians, department of  
 16 professional and occupational licensing, created by  
 17 2-15-1607;  
 18 (o) board of pharmacists, department of professional  
 19 and occupational licensing, created by 2-15-1609;  
 20 (p) board of podiatry examiners, department of  
 21 professional and occupational licensing, created by  
 22 2-15-1608;  
 23 (q) board of psychologists, department of professional  
 24 and occupational licensing, created by 2-15-1617;  
 25 (r) board of radiologic technologists, department of

1 professional and occupational licensing, created by  
2 2-15-1614;

3 (s) board of speech pathologists and audiologists,  
4 department of professional and occupational licensing,  
5 created by 2-15-1615;

6 (t) board of veterinarians, department of professional  
7 and occupational licensing, created by 2-15-1618;

8 (u) board of veterans' affairs, department of social  
9 and rehabilitation services, created by 2-15-2202.

10 (3) The following units of state government shall  
11 terminate on July 1, 1983:

12 (a) board of aeronautics, department of community  
13 affairs, created by 2-15-1103;

14 (b) state board of hail insurance, department of  
15 agriculture, created by 2-15-3003;

16 (c) board of horseracing, department of professional  
17 and occupational licensing, created by 2-15-1662;

18 (d) board of livestock, department of livestock,  
19 created by 2-15-3102;

20 (e) board of milk control, department of business  
21 regulation, created by 2-15-1807;

22 (f) board of oil and gas conservation, department of  
23 natural resources and conservation, created by 2-15-3303;

24 (g) Montana outfitters council, department of fish and  
25 game, created by 2-15-3403;

1 (h) public service commission, department of public  
2 service regulation, created by 69-1-102;

3 (i) board of sanitarians, department of professional  
4 and occupational licensing, created by 2-15-1631;

5 (j) board of water and wastewater operators,  
6 department of health and environmental sciences, created by  
7 2-15-2105;

8 (k) board of water well contractors, department of  
9 professional and occupational licensing, created by  
10 2-15-1632.

11 (4) The following agency terminates on July 1, 1985:  
12 the board of architects created by 2-15-1651."

13 Section 3. Section 2-15-1651, MCA, is amended to read:

14 "2-15-1651. Board of architects. (1) There is a board  
15 of architects.

16 (2) The board consists of ~~three~~ four members appointed  
17 by the governor with the consent of the senate. The members  
18 are:

19 (a) ~~Each member shall be a skilled and capable~~  
20 architect ~~two registered architects who has~~ have been in  
21 continuous practice for 3 years before his ~~their~~  
22 appointment. ~~Not more than two members shall be residents~~  
23 of the same county.

24 (b) ~~one registered architect who is on the permanent~~  
25 staff of the Montana state university school of

1 architecture; and  
 2 (c) one representative of the public who is not  
 3 engaged in or directly connected with the practice of  
 4 architecture.

5 (3) Each member must have been a resident of Montana  
 6 for 4 years prior to appointment.

7 ~~(4)~~(4) Each member shall serve for a term of 3 years.  
 8 ~~(5)~~(5) The board is allocated to the department for  
 9 administrative purposes only as prescribed in 2-15-121."

10 Section 4. Section 18-2-101, MCA, is amended to read:  
 11 "18-2-101. Definitions of building and construction.  
 12 In part 1 of this chapter, with the exception of 18-2-104,  
 13 18-2-107, and 18-2-113, through ~~18-2-115~~ and ~~18-2-114~~:

14 (1) "building" includes:

15 (a) a building, facility, or structure constructed or  
 16 purchased wholly or in part with state moneys;

17 (b) a building, facility, or structure at a state  
 18 institution;

19 (c) a building, facility, or structure owned or to be  
 20 owned by a state agency, including the department of  
 21 highways;

22 (2) "building" does not include:

23 (a) a building, facility, or structure owned or to be  
 24 owned by a county, city, town, school district, or special  
 25 improvement district;

1 (b) a facility or structure used as a component part  
 2 of a highway or water conservation project;

3 (3) "construction" includes construction, repair,  
 4 alteration, and equipping and furnishing during  
 5 construction, repair, or alteration."

6 Section 5. Section 37-65-102, MCA, is amended to read:  
 7 "37-65-102. Definitions. Unless the context requires  
 8 otherwise, in this chapter the following definitions apply:

9 (1) "Architect" means an individual technically and  
 10 legally qualified to practice architecture and who is  
 11 authorized under this chapter to practice architecture.

12 (2) "Board" means the board of architects provided for  
 13 in 2-15-1651.

14 (3) "Building" means a structure intended primarily  
 15 for human occupancy or use.

16 (4) "Department" means the department of professional  
 17 and occupational licensing provided for in Title 2, chapter  
 18 15, part 16.

19 (5) "Practice of architecture" means rendering or  
 20 offering to render services by consultations, preliminary  
 21 studies, drawings, specifications, or other services in  
 22 connection with the design of a building or addition or  
 23 alteration thereto, whether one or all of these services are  
 24 performed either in person or as the directing head of an  
 25 organization.

1 (3) If classroom or seminar-type instruction is  
2 required, the board shall by rule:

3 (a) make determinations as to approved programs; and  
4 (b) prescribe the number of hours required for  
5 compliance.

6 (4) If an examination is required, the board shall by  
7 rule prescribe:

8 (a) the subjects of the examination; and  
9 (b) the grade required to pass the examination.

10 Section 10. Transition. Section 3 does not affect the  
11 terms of office of persons who are members of the board on  
12 July 1, 1979, and such members shall serve the remainder of  
13 their unexpired terms. All appointments made and vacancies  
14 filled after July 1, 1979, must be in accordance with  
15 section 3.

16 Section 11. Codification. Section 9 is intended to be  
17 codified as an integral part of Title 37, chapter 65. The  
18 provisions of Title 37, chapter 65, apply to section 9, and  
19 section 9 applies to the provisions of Title 37, chapter 65.  
20 All references in the MCA to Title 37, chapter 65, include  
21 section 9.

22 Section 12. Repealer. Sections 18-2-115 and 37-65-309,  
23 MCA, are repealed.

24 Section 13. Effective date of certain sections.  
25 Sections 1 and 2 are effective on passage and approval.

-End-

1 (6) "Public building" means any building which--the  
2 state---or---any--political--subdivision--thereof--maintains  
3 maintained for the use of the public."

4 Section 6. Section 37-65-303, MCA, is amended to read:

5 "37-65-303. Application -- examination -- issuance of  
6 certificate. (1) A person wishing to practice architecture  
7 in this state shall apply to the department for a  
8 certificate to do so. A person applying shall have  
9 successfully completed the requirement of prerequisites in  
10 education, practical experience, and a written examination  
11 as prescribed by the board. The examination must be in  
12 substantial conformance with the standard national council  
13 of architectural registration boards examination and grading  
14 procedure, except as modified by board rule.

15 (2) After examination the department shall, if the  
16 candidate has been found qualified, grant a certificate to  
17 the candidate to practice architecture in this state, which  
18 may only be granted on the consent of not less than two  
19 members of the board, attested by the secretary, and have  
20 the seal of the board attached."

21 Section 7. Section 37-65-304, MCA, is amended to read:

22 "37-65-304. Examination fee -- deposit of fee. (1)  
23 Applicants for examination shall pay in advance to the  
24 department a fee set by the board, commensurate with the  
25 cost, which shall defray the entire examination expense of

1 the candidate. An applicant failing to pass the examination  
2 is entitled to a--second--examination---within---1---year  
3 reexamination at the next scheduled examination on payment  
4 of a reasonable fee prescribed by the board.

5 (2) The money received from the applicant shall be  
6 deposited in the earmarked revenue fund for the use of the  
7 board, subject to 37-1-101(6)."

8 Section 8. Section 37-65-306, MCA, is amended to read:

9 "37-65-306. Annual renewal fee. A licensed architect  
10 in this state who desires to continue the practice of his  
11 profession shall annually during the month of July, during  
12 the time he continues in this practice:

13 (1) pay to the department a reasonable fee of \$20, as  
14 prescribed by the board; and

15 (2) present evidence to the board of compliance with  
16 any continuing education requirements imposed by the board."

17 NEW SECTION. Section 9. Continuing education. (1) The  
18 board may by rule prescribe continuing education  
19 requirements for license renewal.

20 (2) If the board prescribes continuing education  
21 requirements, the rules shall provide for the method of  
22 compliance, such as:

23 (a) attendance at approved classroom or seminar-type  
24 instruction programs; or

25 (b) passing an examination.

## 1 SENATE BILL NO. 498

2 INTRODUCED BY ROSKIE, RYAN

3 BY REQUEST OF THE BOARD OF ARCHITECTS

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE  
6 LAW RELATING TO ARCHITECTURE; TO REESTABLISH THE BOARD OF  
7 ARCHITECTS AND REVISE BOARD MEMBERSHIP; TO REDEFINE 'PUBLIC  
8 BUILDING'; TO REVISE REEXAMINATION PROVISIONS; TO ALLOW THE  
9 BOARD TO FIX REASONABLE FEES; TO ALLOW THE BOARD TO  
10 PRESCRIBE CONTINUING EDUCATION PROGRAMS; AMENDING SECTIONS  
11 2-8-103, 2-15-1651, 18-2-101, 37-65-102, 37-65-303,  
12 37-65-304, AND 37-65-306, MCA; REPEALING SECTIONS 18-2-115  
13 AND 37-65-309, MCA; AND PROVIDING AN EFFECTIVE DATE."

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 NEW SECTION. Section 1. Board reestablished. The  
17 board of architects created by 2-15-1651 is reestablished  
18 for a period of 6 years pursuant to 2-8-122.

19 Section 2. Section 2-8-103, MCA, is amended to read:

20 "2-8-103. Agencies to terminate. (1) The following  
21 agencies shall terminate on July 1, 1979:

22 (a) board of abstracters, department of professional  
23 and occupational licensing, created by 2-15-1643;

24 (b) board of public accountants, department of  
25 professional and occupational licensing, created by

1 2-15-1641;

2 ~~(c) board of architects, department of professional~~  
3 ~~and occupational licensing, created by 2-15-1651;~~

4 ~~(d) state banking board, department of business~~  
5 ~~regulation, created by 2-15-1803;~~

6 ~~(e) state electrical board, department of~~  
7 ~~professional and occupational licensing, created by~~  
8 ~~2-15-1654;~~

9 ~~(f) board of professional engineers and land~~  
10 ~~surveyors, department of professional and occupational~~  
11 ~~licensing, created by 2-15-1653;~~

12 ~~(g) office of commissioner of insurance and the~~  
13 ~~insurance department, state auditor's office, created by~~  
14 ~~2-15-1902 and 2-15-1903;~~

15 ~~(h) office of the investment commissioner, state~~  
16 ~~auditor's office, created by 2-15-1901;~~

17 ~~(i) board of landscape architects, department of~~  
18 ~~professional and occupational licensing, created by~~  
19 ~~2-15-1652;~~

20 ~~(j) board of county printing, department of~~  
21 ~~community affairs, created by 2-15-1102;~~

22 ~~(k) board of plumbers, department of professional~~  
23 ~~and occupational licensing, created by 2-15-1655;~~

24 ~~(l) board of real estate, department of~~  
25 ~~professional and occupational licensing, created by~~



1 2-15-1642;  
 2 (m) state board of warm air heating, ventilation,  
 3 and air conditioning, department of professional and  
 4 occupational licensing, created by 2-15-1656;  
 5 (n) board of institutions, department of  
 6 institutions, created by 2-15-2303.  
 7 (2) The following agencies shall terminate on July 1,  
 8 1981:  
 9 (a) commission for human rights, department of labor  
 10 and industry, created by 2-15-1706;  
 11 (b) board of athletics, department of professional and  
 12 occupational licensing, created by 2-15-1661;  
 13 (c) board of barbers, department of professional and  
 14 occupational licensing, created by 2-15-1625;  
 15 (d) board of chiropractors, department of professional  
 16 and occupational licensing, created by 2-15-1613;  
 17 (e) board of cosmetologists, department of  
 18 professional and occupational licensing, created by  
 19 2-15-1626;  
 20 (f) board of dentists, department of professional and  
 21 occupational licensing, created by 2-15-1606;  
 22 (g) board of hearing aid dispensers, department of  
 23 professional and occupational licensing, created by  
 24 2-15-1616;  
 25 (h) board of massage therapists, department of

1 professional and occupational licensing, created by  
 2 2-15-1627;  
 3 (i) Montana state board of medical examiners,  
 4 department of professional and occupational licensing,  
 5 created by 2-15-1605;  
 6 (j) board of morticians, department of professional  
 7 and occupational licensing, created by 2-15-1619;  
 8 (k) board of nursing, department of professional and  
 9 occupational licensing, created by 2-15-1610;  
 10 (l) board of nursing home administrators, department  
 11 of professional and occupational licensing, created by  
 12 2-15-1611;  
 13 (m) board of optometrists, department of professional  
 14 and occupational licensing, created by 2-15-1612;  
 15 (n) board of osteopathic physicians, department of  
 16 professional and occupational licensing, created by  
 17 2-15-1607;  
 18 (o) board of pharmacists, department of professional  
 19 and occupational licensing, created by 2-15-1609;  
 20 (p) board of podiatry examiners, department of  
 21 professional and occupational licensing, created by  
 22 2-15-1608;  
 23 (q) board of psychologists, department of professional  
 24 and occupational licensing, created by 2-15-1617;  
 25 (r) board of radiologic technologists, department of

1 professional and occupational licensing, created by  
2 2-15-1614;

3 (s) board of speech pathologists and audiologists,  
4 department of professional and occupational licensing,  
5 created by 2-15-1615;

6 (t) board of veterinarians, department of professional  
7 and occupational licensing, created by 2-15-1618;

8 (u) board of veterans' affairs, department of social  
9 and rehabilitation services, created by 2-15-2202.

10 (3) The following units of state government shall  
11 terminate on July 1, 1983:

12 (a) board of aeronautics, department of community  
13 affairs, created by 2-15-1103;

14 (b) state board of hail insurance, department of  
15 agriculture, created by 2-15-3003;

16 (c) board of horseracing, department of professional  
17 and occupational licensing, created by 2-15-1662;

18 (d) board of livestock, department of livestock,  
19 created by 2-15-3102;

20 (e) board of milk control, department of business  
21 regulation, created by 2-15-1802;

22 (f) board of oil and gas conservation, department of  
23 natural resources and conservation, created by 2-15-3303;

24 (g) Montana outfitters council, department of fish and  
25 game, created by 2-15-3403;

1 (h) public service commission, department of public  
2 service regulation, created by 69-1-102;

3 (i) board of sanitarians, department of professional  
4 and occupational licensing, created by 2-15-1631;

5 (j) board of water and wastewater operators,  
6 department of health and environmental sciences, created by  
7 2-15-2105;

8 (k) board of water well contractors, department of  
9 professional and occupational licensing, created by  
10 2-15-1632.

11 (4) The following agency terminates on July 1, 1983:  
12 the board of architects created by 2-15-1651."

13 Section 3. Section 2-15-1651, MCA, is amended to read:  
14 "2-15-1651. Board of architects. (1) There is a board  
15 of architects.

16 (2) The board consists of three four members appointed  
17 by the governor with the consent of the senate. The members  
18 are:

19 (a) Each member shall be a skilled and capable  
20 architect two registered architects who has have been in  
21 continuous practice for 3 years before his their  
22 appointment; Not more than two members shall be residents  
23 of the same county;

24 (b) one registered architect who is on the permanent  
25 staff of the Montana state university school of

1 architecture; and  
2 (c) one representative of the public who is not  
3 engaged in or directly connected with the practice of  
4 architecture.

5 (3) Each member must have been a resident of Montana  
6 for 4 years prior to appointment.

7 (3)(4) Each member shall serve for a term of 3 years.  
8 (4)(5) The board is allocated to the department for  
9 administrative purposes only as prescribed in 2-15-121."

10 Section 4. Section 18-2-101, MCA, is amended to read:  
11 "18-2-101. Definitions of building and construction.  
12 In part 1 of this chapter, with the exception of 18-2-104,  
13 18-2-107, and 18-2-113, through ~~18-2-115~~ and ~~18-2-114~~:

- 14 (1) "building" includes:  
15 (a) a building, facility, or structure constructed or  
16 purchased wholly or in part with state moneys;  
17 (b) a building, facility, or structure at a state  
18 institution;  
19 (c) a building, facility, or structure owned or to be  
20 owned by a state agency, including the department of  
21 highways;

- 22 (2) "building" does not include:  
23 (a) a building, facility, or structure owned or to be  
24 owned by a county, city, town, school district, or special  
25 improvement district;

1 (b) a facility or structure used as a component part  
2 of a highway or water conservation project;

3 (3) "construction" includes construction, repair,  
4 alteration, and equipping and furnishing during  
5 construction, repair, or alteration."

6 Section 5. Section 37-65-102, MCA, is amended to read:  
7 "37-65-102. Definitions. Unless the context requires  
8 otherwise, in this chapter the following definitions apply:

9 (1) "Architect" means an individual technically and  
10 legally qualified to practice architecture and who is  
11 authorized under this chapter to practice architecture.

12 (2) "Board" means the board of architects provided for  
13 in 2-15-1651.

14 (3) "Building" means a structure intended primarily  
15 for human occupancy or use.

16 (4) "Department" means the department of professional  
17 and occupational licensing provided for in Title 2, chapter  
18 15, part 16.

19 (5) "Practice of architecture" means rendering or  
20 offering to render services by consultations, preliminary  
21 studies, drawings, specifications, or other services in  
22 connection with the design of a building or addition or  
23 alteration thereto, whether one or all of these services are  
24 performed either in person or as the directing head of an  
25 organization.

1 (6) "Public building" means any building which--the  
2 state---or---any---political---subdivision---thereof---maintains  
3 maintained for the use of the public."

4 Section 6. Section 37-65-303, MCA, is amended to read:

5 "37-65-303. Application -- examination -- issuance of  
6 certificate. (1) A person wishing to practice architecture  
7 in this state shall apply to the department for a  
8 certificate to do so. A person applying shall have  
9 successfully completed the requirement of prerequisites in  
10 education, practical experience, and a written examination  
11 as prescribed by the board. ~~The--examination--must--be~~ in  
12 ~~substantial~~ conformance--with-the-standard-national-council  
13 of-architectural-registration-boards-examination-and-grading  
14 ~~procedures--except-as-modified-by-board--rule.~~ THE STANDARD  
15 NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS  
16 EXAMINATION AND GRADING PROCEDURES MAY BE CONSIDERED BY THE  
17 BOARD IN ESTABLISHING PREREQUISITES FOR LICENSURE.  
18 EXPERIENCE REQUIREMENTS FOR LICENSURE MAY NOT EXCEED 6 YEARS  
19 FOR PERSONS WITHOUT A DEGREE IN ARCHITECTURE AND 2 YEARS FOR  
20 PERSONS WITH A DEGREE IN ARCHITECTURE.

21 (2) After examination the department shall, if the  
22 candidate has been found qualified, grant a certificate to  
23 the candidate to practice architecture in this state, which  
24 may only be granted on the consent of not less than two  
25 members of the board, attested by the secretary, and have

1 the seal of the board attached."

2 Section 7. Section 37-65-304, MCA, is amended to read:

3 "37-65-304. Examination fee -- deposit of fee. (1)

4 Applicants for examination shall pay in advance to the  
5 department a fee set by the board, commensurate with the  
6 cost, which shall defray the entire examination expense of  
7 the candidate. An applicant failing to pass the examination  
8 is entitled to ~~a--second--examination---within---1---year~~  
9 reevaluation at the next scheduled examination on payment  
10 of a reasonable fee prescribed by the board.

11 (2) The money received from the applicant shall be  
12 deposited in the earmarked revenue fund for the use of the  
13 board, subject to 37-1-101(6)."

14 Section 8. Section 37-65-306, MCA, is amended to read:

15 "37-65-306. Annual renewal fee. A licensed architect  
16 in this state who desires to continue the practice of his  
17 profession shall annually during the month of July, during  
18 the time he continues in this practice:

19 (1) pay to the department a reasonable fee of \$20, as  
20 prescribed by the board; and

21 (2) present evidence to the board of compliance with  
22 any continuing education requirements imposed by the board."

23 NEW SECTION. Section 9. Continuing education. (1) The  
24 board may by rule prescribe continuing education  
25 requirements for license renewal.

1 (2) If the board prescribes continuing education  
2 requirements, the rules shall provide for the method of  
3 compliance, such as:

4 (a) attendance at approved classroom or seminar-type  
5 instruction programs; or

6 (b) passing an examination.

7 (3) If classroom or seminar-type instruction is  
8 required, the board shall by rule:

9 (a) make determinations as to approved programs; and

10 (b) prescribe the number of hours required for  
11 compliance.

12 (4) If an examination is required, the board shall by  
13 rule prescribe:

14 (a) the subjects of the examination; and

15 (b) the grade required to pass the examination.

16 Section 10. Transition. Section 3 does not affect the  
17 terms of office of persons who are members of the board on  
18 July 1, 1979, and such members shall serve the remainder of  
19 their unexpired terms. All appointments made and vacancies  
20 filled after July 1, 1979, must be in accordance with  
21 section 3.

22 Section 11. Codification. Section 9 is intended to be  
23 codified as an integral part of Title 37, chapter 65. The  
24 provisions of Title 37, chapter 65, apply to section 9, and  
25 section 9 applies to the provisions of Title 37, chapter 65.

1 All references in the MCA to Title 37, chapter 65, include  
2 section 9.

3 Section 12. Repealer. Sections 18-2-115 and 37-65-309,  
4 MCA, are repealed.

5 Section 13. Effective date of certain sections.  
6 Sections 1 and 2 are effective on passage and approval.

-End-

1 STATEMENT OF INTENT RE: SB 498

2  
3  
4 A statement of intent is required for SB 498 in that it  
5 delegates rulemaking authority to the board of architects in  
6 Sections 6 and 9.

7 1. Section 6 allows the board to modify the standard  
8 national council of architectural registration board's  
9 examination and grading procedure. It is contemplated that  
10 the board may, in its discretion, adopt rules to modify  
11 specific questions for purposes of tailoring them to the  
12 Montana situation.

13 2. Section 8 allows the board to prescribe a  
14 reasonable annual renewal fee. It is intended that the fee  
15 not exceed an amount necessary to meet administrative costs.

16 3. Sections 8 and 9 give the board authority to adopt  
17 rules imposing continuing education requirements. The board  
18 is not required to adopt such rules. It is contemplated that  
19 such rules, if adopted, should address the following:

20 (a) types of programs required such as classroom  
21 instruction, seminars, examinations, or a combination  
22 thereof;

23 (b) standards for determining programs to be approved  
24 for fulfillment of the requirements such as adequacy of  
25 facilities, qualifications of instructors, and course

1 content;

2 (c) the number of hours of instruction, if any,  
3 required;

4 (d) the basic content and the procedures and passing  
5 grade for any examinations required;

6 (e) alternative methods of fulfilling the requirements  
7 such as home study, intrafirm or intracompany group study  
8 programs or active practice for a prescribed period;

9 (f) standards for waiver of the requirements for  
10 hardship reasons; and

11 (g) methods of monitoring compliance.

12 First adopted by the SENATE STATE ADMINISTRATION  
13 COMMITTEE on February 21, 1979.

SB 498

## 1 SENATE BILL NO. 498

2 INTRODUCED BY ROSKIE, RYAN

3 BY REQUEST OF THE BOARD OF ARCHITECTS

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE  
6 LAW RELATING TO ARCHITECTURE; TO REESTABLISH THE BOARD OF  
7 ARCHITECTS AND REVISE BOARD MEMBERSHIP; TO REDEFINE "PUBLIC  
8 BUILDING"; TO REVISE REEXAMINATION PROVISIONS; TO ALLOW THE  
9 BOARD TO FIX REASONABLE FEES; TO ALLOW THE BOARD TO  
10 PRESCRIBE CONTINUING EDUCATION PROGRAMS; AMENDING SECTIONS  
11 2-8-103, 2-15-1651, 18-2-101, 37-65-102, 37-65-303,  
12 37-65-304, AND 37-65-306, MCA; REPEALING SECTIONS 18-2-115  
13 AND 37-65-309, MCA; AND PROVIDING AN EFFECTIVE DATE."

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 NEW SECTION. Section 1. Board reestablished. The  
17 board of architects created by 2-15-1651 is reestablished  
18 for a period of 6 years pursuant to 2-8-122.

19 Section 2. Section 2-8-103, MCA, is amended to read:

20 "2-8-103. Agencies to terminate. (1) The following  
21 agencies shall terminate on July 1, 1979:

22 (a) board of abstracters, department of professional  
23 and occupational licensing, created by 2-15-1643;

24 (b) board of public accountants, department of  
25 professional and occupational licensing, created by

1 2-15-1641;

2 (c) ~~board of architects, department of professional~~  
3 ~~and occupational licensing, created by 2-15-1651;~~

4 (d) ~~state banking board, department of business~~  
5 ~~regulation, created by 2-15-1803;~~

6 (e) ~~state electrical board, department of~~  
7 ~~professional and occupational licensing, created by~~  
8 ~~2-15-1654;~~

9 (f) ~~board of professional engineers and land~~  
10 ~~surveyors, department of professional and occupational~~  
11 ~~licensing, created by 2-15-1653;~~

12 (g) ~~office of commissioner of insurance and the~~  
13 ~~insurance department, state auditor's office, created by~~  
14 ~~2-15-1902 and 2-15-1903;~~

15 (h) ~~office of the investment commissioner, state~~  
16 ~~auditor's office, created by 2-15-1901;~~

17 (i) ~~board of landscape architects, department of~~  
18 ~~professional and occupational licensing, created by~~  
19 ~~2-15-1652;~~

20 (j) ~~board of county printing, department of~~  
21 ~~community affairs, created by 2-15-1102;~~

22 (k) ~~board of plumbers, department of professional~~  
23 ~~and occupational licensing, created by 2-15-1655;~~

24 (l) ~~board of real estate, department of~~  
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1 2-15-1642;  
 2 (m)(1) state board of warm air heating, ventilation,  
 3 and air conditioning, department of professional and  
 4 occupational licensing, created by 2-15-1656;  
 5 (n)(1) board of institutions, department of  
 6 institutions, created by 2-15-2303.  
 7 (2) The following agencies shall terminate on July 1,  
 8 1981:  
 9 (a) commission for human rights, department of labor  
 10 and industry, created by 2-15-1706;  
 11 (b) board of athletics, department of professional and  
 12 occupational licensing, created by 2-15-1661;  
 13 (c) board of barbers, department of professional and  
 14 occupational licensing, created by 2-15-1625;  
 15 (d) board of chiropractors, department of professional  
 16 and occupational licensing, created by 2-15-1613;  
 17 (e) board of cosmetologists, department of  
 18 professional and occupational licensing, created by  
 19 2-15-1626;  
 20 (f) board of dentists, department of professional and  
 21 occupational licensing, created by 2-15-1606;  
 22 (g) board of hearing aid dispensers, department of  
 23 professional and occupational licensing, created by  
 24 2-15-1616;  
 25 (h) board of massage therapists, department of

1 professional and occupational licensing, created by  
 2 2-15-1627;  
 3 (i) Montana state board of medical examiners,  
 4 department of professional and occupational licensing,  
 5 created by 2-15-1605;  
 6 (j) board of morticians, department of professional  
 7 and occupational licensing, created by 2-15-1619;  
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 9 occupational licensing, created by 2-15-1610;  
 10 (l) board of nursing home administrators, department  
 11 of professional and occupational licensing, created by  
 12 2-15-1611;  
 13 (m) board of optometrists, department of professional  
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 15 (n) board of osteopathic physicians, department of  
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 17 2-15-1607;  
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 19 and occupational licensing, created by 2-15-1609;  
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 21 professional and occupational licensing, created by  
 22 2-15-1608;  
 23 (q) board of psychologists, department of professional  
 24 and occupational licensing, created by 2-15-1617;  
 25 (r) board of radiologic technologists, department of



1 professional and occupational licensing, created by  
2 2-15-1614;

3 (s) board of speech pathologists and audiologists,  
4 department of professional and occupational licensing,  
5 created by 2-15-1615;

6 (t) board of veterinarians, department of professional  
7 and occupational licensing, created by 2-15-1618;

8 (u) board of veterans' affairs, department of social  
9 and rehabilitation services, created by 2-15-2202.

10 (3) The following units of state government shall  
11 terminate on July 1, 1983:

12 (a) board of aeronautics, department of community  
13 affairs, created by 2-15-1103;

14 (b) state board of hail insurance, department of  
15 agriculture, created by 2-15-3003;

16 (c) board of horseracing, department of professional  
17 and occupational licensing, created by 2-15-1662;

18 (d) board of livestock, department of livestock,  
19 created by 2-15-3102;

20 (e) board of milk control, department of business  
21 regulation, created by 2-15-1802;

22 (f) board of oil and gas conservation, department of  
23 natural resources and conservation, created by 2-15-3303;

24 (g) Montana outfitters council, department of fish and  
25 game, created by 2-15-3403;

1 (h) public service commission, department of public  
2 service regulation, created by 69-1-102;

3 (i) board of sanitarians, department of professional  
4 and occupational licensing, created by 2-15-1631;

5 (j) board of water and wastewater operators,  
6 department of health and environmental sciences, created by  
7 2-15-2105;

8 (k) board of water well contractors, department of  
9 professional and occupational licensing, created by  
10 2-15-1632.

11 ~~the following agency terminates on July 1, 1983:~~  
12 ~~the board of architects created by 2-15-1651"~~

13 Section 3. Section 2-15-1651, MCA, is amended to read:

14 "2-15-1651. Board of architects. (1) There is a board  
15 of architects.

16 (2) The board consists of three ~~four~~ members appointed  
17 by the governor with the consent of the senate. The members  
18 are:

19 (a) ~~Each member shall be a skilled and capable~~  
20 ~~architect two registered architects who has have been in~~  
21 ~~continuous practice for 3 years before his their~~  
22 ~~appointments; Not more than two members shall be residents~~  
23 ~~of the same county;~~

24 (b) one registered architect who is on the permanent  
25 staff of the Montana state university school of

1 architecture; and  
 2 ~~(c) one representative of the public who is not~~  
 3 ~~engaged in or directly connected with the practice of~~  
 4 ~~architecture.~~

5 ~~(3) Each member must have been a resident of Montana~~  
 6 ~~for 4 years prior to appointment.~~

7 ~~(3)(4) Each member shall serve for a term of 3 years.~~

8 ~~(4)(2) The board is allocated to the department for~~  
 9 ~~administrative purposes only as prescribed in 2-15-121."~~

10 Section 4. Section 18-2-101, MCA, is amended to read:

11 "18-2-101. Definitions of building and construction.  
 12 In part 1 of this chapter, with the exception of 18-2-104,  
 13 18-2-107, and 18-2-113, through ~~18-2-115~~ and ~~18-2-114~~;

14 (1) "building" includes:

15 (a) a building, facility, or structure constructed or  
 16 purchased wholly or in part with state moneys;

17 (b) a building, facility, or structure at a state  
 18 institution;

19 (c) a building, facility, or structure owned or to be  
 20 owned by a state agency, including the department of  
 21 highways;

22 (2) "building" does not include:

23 (a) a building, facility, or structure owned or to be  
 24 owned by a county, city, town, school district, or special  
 25 improvement district;

1 (b) a facility or structure used as a component part  
 2 of a highway or water conservation project;

3 (3) "construction" includes construction, repair,  
 4 alteration, and equipping and furnishing during  
 5 construction, repair, or alteration."

6 Section 5. Section 37-65-102, MCA, is amended to read:

7 "37-65-102. Definitions. Unless the context requires  
 8 otherwise, in this chapter the following definitions apply:

9 (1) "Architect" means an individual technically and  
 10 legally qualified to practice architecture and who is  
 11 authorized under this chapter to practice architecture.

12 (2) "Board" means the board of architects provided for  
 13 in 2-15-1651.

14 (3) "Building" means a structure intended primarily  
 15 for human occupancy or use.

16 (4) "Department" means the department of professional  
 17 and occupational licensing provided for in Title 2, chapter  
 18 15, part 16.

19 (5) "Practice of architecture" means rendering or  
 20 offering to render services by consultations, preliminary  
 21 studies, drawings, specifications, or other services in  
 22 connection with the design of a building or addition or  
 23 alteration thereto, whether one or all of these services are  
 24 performed either in person or as the directing head of an  
 25 organization.

1 (6) "Public building" means any building which--the  
 2 state--or--any-political-subdivision-thereof--maintains WHICH  
 3 THE STATE OR ANY POLITICAL SUBDIVISION THEREOF MAINTAINS  
 4 maintained for the use of the public."

5 Section 6. Section 37-65-303, MCA, is amended to read:

6 "37-65-303. Application -- examination -- issuance of  
 7 certificate. (1) A person wishing to practice architecture  
 8 in this state shall apply to the department for a  
 9 certificate to do so. A person applying shall have  
 10 successfully completed the requirement of prerequisites in  
 11 education, practical experience, and a written examination  
 12 as prescribed by the board. ~~the examination must be in~~  
 13 ~~substantial conformance with the standard--national--council~~  
 14 ~~of architectural registration boards examination and grading~~  
 15 ~~procedures except as modified by board rules. THE EXAMINATION~~  
 16 ~~MUST BE IN SUBSTANTIAL CONFORMANCE WITH THE STANDARD~~  
 17 ~~NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS~~  
 18 ~~EXAMINATION AND GRADING PROCEDURE, EXCEPT AS MODIFIED BY~~  
 19 ~~BOARD RULES. THE STANDARD NATIONAL COUNCIL OF ARCHITECTURAL~~  
 20 ~~REGISTRATION BOARDS EXAMINATION AND GRADING PROCEDURES MAY~~  
 21 ~~BE ESTABLISHED BY THE BOARD IN ESTABLISHING PREREQUISITES FOR~~  
 22 ~~LICENSES. EXPERIENCE REQUIREMENTS FOR LICENSES MAY NOT~~  
 23 ~~EXCEED 6 YEARS FOR PERSONS WITHOUT A DEGREE IN ARCHITECTURE~~  
 24 ~~AND 2 YEARS FOR PERSONS WITH A DEGREE IN ARCHITECTURE.~~

25 (2) After examination the department shall, if the

1 candidate has been found qualified, grant a certificate to  
 2 the candidate to practice architecture in this state, which  
 3 may only be granted on the consent of not less than two  
 4 members of the board, attested by the secretary, and have  
 5 the seal of the board attached."

6 Section 7. Section 37-65-304, MCA, is amended to read:

7 "37-65-304. Examination fee -- deposit of fee. (1)  
 8 Applicants for examination shall pay in advance to the  
 9 department a fee set by the board, commensurate with the  
 10 cost, which shall defray the entire examination expense of  
 11 the candidate. An applicant failing to pass the examination  
 12 is entitled to a second examination--within--1--year  
 13 reexamination at the next scheduled examination on payment  
 14 of a reasonable fee prescribed by the board.

15 (2) The money received from the applicant shall be  
 16 deposited in the earmarked revenue fund for the use of the  
 17 board, subject to 37-1-101(6)."

18 Section 8. Section 37-65-306, MCA, is amended to read:

19 "37-65-306. Annual renewal fee. A licensed architect  
 20 in this state who desires to continue the practice of his  
 21 profession shall annually during the month of July, during  
 22 the time he continues in this practice:

23 (1) pay to the department a reasonable fee of \$20, as  
 24 prescribed by the board; and

25 (2) present evidence to the board of compliance with

1 ~~any continuing education requirements imposed by the board.~~"

2 **NEW SECTION.** Section 9. Continuing education. (1) The  
3 board may by rule prescribe continuing education  
4 requirements for license renewal.

5 (2) If the board prescribes continuing education  
6 requirements, the rules shall provide for the method of  
7 compliance, such as:

8 (a) attendance at approved classroom or seminar-type  
9 instruction programs; or

10 (b) passing an examination.

11 (3) If classroom or seminar-type instruction is  
12 required, the board shall by rule:

13 (a) make determinations as to approved programs; and

14 (b) prescribe the number of hours required for  
15 compliance.

16 (4) If an examination is required, the board shall by  
17 rule prescribe:

18 (a) the subjects of the examination; and

19 (b) the grade required to pass the examination.

20 Section 10. Transition. Section 3 does not affect the  
21 terms of office of persons who are members of the board on  
22 July 1, 1979, and such members shall serve the remainder of  
23 their unexpired terms. All appointments made and vacancies  
24 filled after July 1, 1979, must be in accordance with  
25 section 3.

1 Section 11. Codification. Section 9 is intended to be  
2 codified as an integral part of Title 37, chapter 65. The  
3 provisions of Title 37, chapter 65, apply to section 9, and  
4 section 9 applies to the provisions of Title 37, chapter 65.  
5 All references in the MCA to Title 37, chapter 65, include  
6 section 9.

7 Section 12. Repealer. Sections 18-2-115 and 37-65-309,  
8 MCA, are repealed.

9 Section 13. Effective date of certain sections.  
10 Sections 1 and 2 are effective on passage and approval.

-End-

HOUSE OF REPRESENTATIVES  
MARCH 6, 1979

BUSINESS & INDUSTRY COMMITTEE OF THE HOUSE, AMENDMENTS TO  
SENATE BILL NO. 498 THIRD READING, SECOND PRINTING AS FOLLOWS:

1. Page 6, lines 11 and 12.

Following: line 10

Strike: subsection (4) in its entirety

2. Page 6, line 24.

Following: "the"

Strike: "permanent"

3. Page 9, lines 1 and 2.

Following: "building"

Insert: "which the state or any political subdivision  
thereof maintains"

4. Page 9, line 3.

Following: line 2

Strike: "maintained"

5. Page 9, lines 11 through 14.

Following: "board"

Insert: "The examination must be in substantial conformance with  
the standard national council of architectural registration  
boards examination and grading procedure, except as modified  
by board rules."

6. Page 9, lines 14 through 20.

Following: "rule-"

Strike: remainder of lines 14 thru 20.