SENATE BILL NO. 342

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INTRODUCED BY S. BROWN, HIMSL

IN	THE	SENATE

January 31, 1981	Introduced and referred to Committee on Judiciary.
February 11, 1981	Committee recommend bill do pass. Report adopted.
February 12, 1981	Bill printed and placed on members' desks.
February 13, 1981	Second reading, do pass.
February 14, 1981	Correctly engrossed.
February 16, 1981	Third reading, passed. Ayes, 42; Noes, 5. Transmitted to House.
IN THE HO	USE
February 17, 1981	Introduced and referred to Committee on Judiciary.
March 14, 1981	Committee recommend bill be concurred in. Report adopted.
March 21, 1981	Second reading, concurred in.
March 23, 1981	On motion, taken from third reading and placed on second reading. Motion adopted.
March 26, 1981	Second reading, concurred in as amended.
March 28, 1981	Third reading, concurred in as amended. Ayes, 69; Noes, 24.

IN THE SENATE

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March 30, 1981 April 2, 1981 April 4, 1981 April 4, 1981 Returned from House with amendments. Second reading, amendments concurred in. Third reading, amendments concurred in. Ayes, 39; No, 8. Sent to enrolling.

Reported correctly enrolled.

Agaste BILL NO. 342 Treve BROWN Hims 1 INTRODUCED BY 2 з

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO DELETE CITIZENSHIP 5 AS A QUALIFICATION FOR MEMBERSHIP ON A BANK BOARD OF 6 DIRECTORS OR LICENSURE AS A PHARMACIST, DPTOMETRIST, 7 VETERINARIAN, ACUPUNCTURIST, ACCOUNTANT, OR REAL ESTATE 8 BROKER OR SALESMAN; AMENDING SECTIONS 32-1-322, 37-7-302, 9 37-10-302, 37-13-302, 37-18-302, 37-50-303, AND 37-51-302, 10 MCA."

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12 WHEREAS, the Legislative Audit Committee in its sunset 13 reviews determined that a few professions and occupations 14 require citizenship as a qualification for licensure; and 15 WHEREAS, a number of courts, including the United 16 States Supreme Court, have found citizenship qualifications 17 for licensure unconstitutional.

18 THEREFORE, it is the intent of this act to delete 19 citizenship requirements as a qualification for licensure by 20 those boards presently having a citizenship requirement. 21

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
Section 1. Section 32-1-322, NCA, is amended to read:
"32-1-322. Board of directors -- qualifications,
tenure, and vacancies. (1) The affairs of the bank shall be

1 managed by a board of directors, not less than 3 or more than 11 in number, all of whom shall be stockholders of the 2 bank and-citizens-of-the-United-Statesy and of whom at least 3 two-thirds must be residents of this state. A person who has 4 5 been convicted of a crime against the banking laws of the United States or of any state may not be elected a director. б 7 (2) The directors shall be elected for a term of 1 year at the annual meeting of the stockholders, which shall 8 be held on any Tuesday up to and including the second 9 Tuesday in April of each calendar year. If the election is 10 11 not held on the day fixed for the annual meeting, the corporation may not thereby be dissolved, but an election 12 13 may be held at any other time agreeable to the bylaws of the corporation, and the persons so elected shall hold their 14 office until the second Tuesday of the following January or 15 until others are elected and gualified. Every director shall 16 take and subscribe an oath that he will diligently and 17 18 honestly perform his duty in the office, that he will not 19 knowingly violate or permit a violation of any of the provisions of this chapter, and that he is the owner in good 20 21 faith of the required number of shares of stock in the bank 22 standing in his name on the books of the bank. The oaths 23 shall be made in duplicate, one copy of which shall be transmitted to the department and filed in its office and 24 25 one copy shall be kept on file in the office of the bank. INTRODUCED BILL

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1 (3) In case of death or resignation of one or more of 2 the directors, the vacancy shall be filled by the board, and 3 the directors so appointed shall hold office until the next 4 annual election."

5 Section 2. Section 37-7-302, MCA, is amended to read: 6 *37-7-302. Examination -- qualifications -- fees --7 reciprocity. (1) The department shall give reasonable notice 8 of examinations by mail to known applicants. The department 9 shall record the names of persons examined, together with 10 the grounds on which the right of each to examination was 11 claimed, and also the names of persons registered by 12 examination or otherwise.

13 (2) The fee for an examination shall be set by the 14 board at a figure commensurate with costs, which fee may in 15 the discretion of the board be returned to applicants not 16 taking the examination. On again making payment of the fee, 17 an applicant who fails is entitled to take the next 18 succeeding examination free of charge.

(3) The fee for registration by reciprocity is \$200.
(4) To be entitled to examination as a pharmacist, the
applicant shall be a-citizen-of-the-United-Statesy of good
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applicant may not receive a registered pharmacist's license
 until he has complied with the internship requirements
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 as an intern only.

6 (5) The board may in its discretion authorize the 7 department to grant registration without examination to a 8 pharmacist licensed by a board of pharmacy or a similar 9 board of another state which accords similar recognition to 10 licensees of this state if the requirements for registration 11 in the other state are, in the opinion of the board, 12 equivalent to the requirements of this chapter.

13 (6) Every person licensed and registered under this 14 chapter shall receive from the department an appropriate 15 certificate attesting the fact, which shall be conspicuously 16 displayed at all times in his place of business. If the 17 holder is entitled to manage or conduct a pharmacy in this 18 state for himself or another, the fact shall be set forth in 19 the certificate."

20 Section 3. Section 37-10-302, MCA. is amended to read: 21 #37-10-302. Examination -- qualifications --22 application -- issuance of certificate. (1) The board shall 23 adopt rules relative to and governing the qualifications of 24 applicants for certificates of registration as optometrists. 25 If the applicant does not meet the requirements of the

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rules, he is not eligible to take an examination to practice 1 optometry in this state. If the applicant meets the 2 requirements of the rules, he must pass an examination given 3 4 by the department, subject to 37-1-101. Examinations shall be practical in character and designed to ascertain the 5 6 applicant's fitness to practice the profession of optometry and shall be conducted in the English language. The 7 department shall publish and distribute the examination 8 9 requirements for a certificate to practice optometry in this 10 state. The board may accept the grades an applicant has 11 received in the written examinations given by the national 12 board of examiners in optometry.

13 (2) No person is eligible to take the examination
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lá (3) No person is eligible to take the examination 17 unless he has certificates of graduation from an accredited 18 high school and from a school of optometry in which the 19 practice and science of optometry is taught in a course of study covering 8 semesters or 4 years of actual attendance 20 21 and which is accredited by the international association of boards of examiners in optometry. Instead of the 22 23 certificates of graduation, an applicant for examination 24 may, with like effect, furnish an affidavit that he has 25 practiced cptometry exclusively for a period of at least 5

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1 years in some other state or states.

2 (4) A person desiring to be examined in optometry
3 shall file an application, in the manner prescribed by the
4 board, at least 4 weeks before the examination is held, and
5 a fee of \$25 shall accompany the application.

6 (5) A person successfully passing the examination 7 shall be registered in a register which shall be kept by the 8 department, and on the payment of a fee of \$10 shall receive 9 a certificate of registration signed by the members of the 10 board.*

11 Section 4. Section 37-13-302, MCA. is amended to read: *37-13-302. Application for examination -- fee --12 13 qualifications. (1) Each person desiring to practice 14 acupuncture in this state shall make application for 15 examination with the secretary of the board, upon the forms and in the manner as prescribed by the board, at least 30 16 17 days before the date set by the board for the commencement 18 of the examination. An examination fee of \$50 shall 19 accompany the application.

20 (2) A person making application shall furnish the
21 board evidence that he is:

22 (a) at least 16 years of age;

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tet(b) of good moral character, as determined by the
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1 of the examinations and set annually by the board." Section 6. Section 37-50-303. MCA. is amended to read: 2 3 #37-50-303. Public accountants -- licensure --4 qualifications and requirements. Licensure as a public 5 accountant is available to any person who: 6 tit--is-a-citizen-of-the-United-States-or-has--declared 7 his-intention-of-becoming-s-citizent 8 tetill is a resident of this state or has a place of 9 business in this state or, as an employee, is regularly 10 employed in this state: 11 f3+(2) is of good moral character; 12 (4)(3) meets the requirements of education [and 13 experience] set forth in 37-50-305 [and 37-50-306]; and 14 f51(4) complies with the qualifications and 15 requirements in any one of the subsections of 37-50-304." 16 Section 7. Section 37-51-302, MCA, is amended to read: 17 *37-51-302. Broker or salesman license 18 qualifications of applicant. (1) Licenses may be granted 19 only to individuals considered by the board to be of good 20 repute and competent to transact the business of a broker or 21 salesman in a manner as to safeguard the interests of the 22 public.

23 (2) An applicant for a broker's license shall:
24 ta)--be-e-citizen-of-the-United-States;
25 tb)(a) be at least 18 years of age;

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tettb) have graduated from an accredited high school
 or completed an equivalent education as determined by the
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tdt[c] have been actively engaged as a licensed real 4 5 estate salesman for a period of 2 years or have had 6 experience or special education equivalent to that which a 7 licensed real estate salesman ordinarily would receive 8 during this 2-year period as determined by the board, except 9 that if the board finds that an applicant could not obtain 10 employment as a licensed real estate salesman because of 11 conditions existing in the area where he resides, the board 12 may waive this experience requirement; and

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23 board; and

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7 (5) The department shall issue to each licensed broker
8 and to each licensed salesman a license and a pocket card in
9 a form and size as the board prescribes.

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47th Legislature

LC 1287/01

Approved by Committee on Judiciary

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-2. THIRD READING 58 342

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1 years in some other state or states.

2 (4) A person desiring to be examined in optometry
3 shall file an application. in the manner prescribed by the
4 board, at least 4 weeks before the examination is held, and
5 a fee of \$25 shall accompany the application.

6 (5) A person successfully passing the examination 7 shall be registered in a register which shall be kept by the 8 department, and on the payment of a fee of \$10 shall receive 9 a certificate of registration signed by the members of the 10 board.^m

11 Section 4. Section 37-13-302. MCA. is amended to read: 12 #37-13-302. Application for examination -- fee --13 qualifications. (1) Each person desiring to practice acupuncture in this state shall make application for 14 15 examination with the secretary of the board, upon the forms 16 and in the manner as prescribed by the board, at least 30 17 days before the date set by the board for the commencement 18 of the examination. An examination fee of \$50 shall 19 accompany the application.

20 (2) A person making application shall furnish the21 board evidence that he is:

22 (a) at least 18 years of age;

23 (b)--s-citizen-of-the-United--States-or--has--filed--a
 24 properly--executed--declaration--of--intention--to--become-a
 25 citizen-of-the-United-States;

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tet(b) of good moral character, as determined by the
 board; and
 tet(c) a graduate of an approved school of acupuncture

4 or has completed a course in acupuncture approved by the 5 board.**

6 Section 5. Section 37-18-302, MCA, is amended to read: #37-18-302. Application -- gualification -- fee. A 7 citizon--of--the--United-States person desiring to begin the 8 9 practice of veterinary medicine or veterinary surgery in this state or who desires to hold himself out to the public 10 as a practitioner of veterinary medicine or veterinary 11 12 surgery, except as provided in 37-18-104, shall make 13 application to the department for a license to do so. The application shall be on a form furnished by the department 14 15 and shall be accompanied by satisfactory evidence of the 16 good moral character of the applicant and shall present 17 evidence of his having graduated in and received a degree 18 from a legally authorized veterinary medical school having educational standards equal to those approved by the 19 20 American veterinary medical association. On application, a 21 photostatic copy of the diploma of the applicant shall be 22 submitted to the department for inspection and verification. 23 The photostatic copy remains the property of the department. 24 A person applying for a license to practice shall pay to the 25 department a nonrefundable fee commensurate with the costs

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1 of the examinations and set annually by the board." 2 Section 6. Section 37-50-303, MCA, is amended to read: #37-50-303. Public accountants -- licensure --3 4 qualifications and requirements. Licensure as a public 5 accountant is available to any person who: fit--is-a-citizen-of-the-United-States-or-hos--declared 6 his-intention-of-becoming-o-citizen; 7 8 +2+(1) is a resident of this state or has a place of 9 business in this state or, as an employee, is regularly 10 employed in this state; 11 (3)(2) is of good moral character; 12 (4)(3) meets the requirements of education [and experience] set forth in 37-50-305 [and 37-50-306]; and 13 14 (4) complies with the oualifications and 15 requirements in any one of the subsections of 37-50-304." 16 Section 7. Section 37-51-302, MCA, is amended to read: 17 #37-51-302. Broker license salesman or qualifications of applicant. (1) Licenses may be granted 18 19 only to individuals considered by the board to be of good 20 repute and competent to transact the business of a broker or 21 salesman in a manner as to safeguard the interests of the 22 nublic. 23 (2) An applicant for a broker's license shall: 24 tal--be-a-citizen-of-the-United-Statest

(b)(a) be at least 18 years of age;

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tetib) have graduated from an accredited high school
 or completed an equivalent education as determined by the
 board;

tdt[c] have been actively engaged as a licensed real 4 estate salesman for a period of 2 years or have had 5 experience or special education equivalent to that which a 6 7 licensed real estate salesman ordinarily would receive 8 during this 2-year period as determined by the board, except 9 that if the board finds that ap applicant could not obtain employment as a licensed real estate salesman because of 10 11 conditions existing in the area where he resides, the board 12 may waive this experience requirement; and

13 tet(d) file an application for license with the 14 department.

15 (3) The board shall require information it considers
16 necessary from an applicant to determine his bonesty,
17 trustworthiness, and competency.

18 (4) (a) An applicant for a salesman's license shall:
19 (i) be at least 18 years of age;

20 (ii) have received credit for completion of 2 years of 21 full curriculum study at an accredited high school or 22 completed an equivalent education as determined by the 23 board; and

24 (iii) file an application for license with the 25 department. 1 (b) His application shall be accompanied by the 2 recommendation of the licensed broker by whom the applicant 3 will be employed or placed under contract, certifying that 4 the applicant is of good repute and that the broker will 5 actively supervise and train the applicant during the period 6 the requested license remains in effect.

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7 (5) The department shall issue to each licensed broker
8 and to each licensed salesman a license and a pocket card in
9 a form and size as the board prescribes.

10 (6) A broker's license must indicate whether the 11 broker is a broker owner or a broker associate."

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l managed by

3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO DELETE CITIZENSHIP 5 AS A QUALIFICATION FOR MEMBERSHIP ON A BANK BOARD OF 6 DIRECTORS OR LICENSURE AS A PHARMACIST, OPTOMETRIST, 7 VETERINARIAN, ACUPUNCTURIST, ACCOUNTANT, OR REAL ESTATE 8 BROKER OR SALESMAN; AMENDING SECTIONS 32-1-322, 37-7-302, 9 37-10-302, 37-13-302, 37-18-302, 37-50-303, AND 37-51-302, 10 MCA."

SENATE BILL NO. 342

INTRODUCED BY S. BROWN. HIMSI

11

HEREAS, the Legislative Audit Committee in its sunset reviews determined that a few professions and occupations require citizenship as a qualification for licensure; and HEREAS, a number of courts, including the United States Supreme Court, have found citizenship qualifications for licensure unconstitutional.

18 THEREFORE, it is the intent of this act to delete 19 citizenship requirements as a qualification for licensure by 20 those boards presently having a citizenship requirement.

21

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
Section 1. Section 32-1-322; MCA, is amended to read:
"32-1-322; Board of directors -- qualifications;
tenure, and vacancies. (1) The affairs of the bank shall be

managed by a board of directors, not less than 3 or more 2 than 11 in number, all of whom shall be stockholders of the 3 bank and citizens-of-the-United-Statesy and of whom at least 4 two-thirds must be residents of this state. A person who has 5 been convicted of a crime against the banking laws of the 6 United States or of any state may not be elected a director. 7 (2) The directors shall be elected for a term of 1 8 year at the annual meeting of the stockholders, which shall 9 be held on any Tuesday up to and including the second 10 Tuesday in April of each calendar year. If the election is 11 not held on the day fixed for the annual meeting, the 12 corporation may not thereby be dissolved, but an election 13 may be held at any other time agreeable to the bylaws of the corporation, and the persons so elected shall hold their 14 15 office until the second Tuesday of the following January or 16 until others are elected and qualified. Every director shall 17 take and subscribe an oath that he will diligently and 18 honestly perform his duty in the office, that he will not 19 knowingly violate or permit a violation of any of the 20 provisions of this chapter, and that he is the owner in good 21 faith of the required number of shares of stock in the bank standing in his name on the books of the bank. The oaths 22 shall be made in duplicate, one copy of which shall be 23 24 transmitted to the department and filed in its office and 25 one copy shall be kept on file in the office of the bank.

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(3) In case of death or resignation of one or more of
 the directors, the vacancy shall be filled by the board, and
 the directors so appointed shall hold office until the next
 annual election."

5 Section 2. Section 37-7-302, MCA, is amended to read: 6 #37-7-302. Examination -- qualifications -- fees --7 reciprocity. (1) The department shall give reasonable notice R of examinations by mail to known applicants. The department 9 shall record the names of persons examined, together with 10 the grounds on which the right of each to examination was 11 claimed, and also the names of persons registered by 12 examination or otherwise.

13 (2) The fee for an examination shall be set by the 14 board at a figure commensurate with costs, which fee may in 15 the discretion of the board be returned to applicants not 16 taking the examination. On again making payment of the fee, 17 an applicant who fails is entitled to take the next 18 succeeding examination free of charge.

19 (3) The fee for registration by reciprocity is \$200.
20 (4) To be entitled to examination as a pharmacist, the
applicant shall be o-citized-of-the-United-Statesy of good
22 moral charactery and a graduate of the school of pharmacy of
23 the university of Montana or of a college or school of
24 pharmacy recognized and approved by or a member of the
25 American association of colleges of pharmacy; but the

applicant may not receive a registered pharmacist's license
 until he has complied with the internship requirements
 established by the board. During this period, if the
 applicant has passed the examination, he shall be licensed
 as an intern only.

6 (5) The board may in its discretion authorize the 7 department to grant registration without examination to a 8 pharmacist licensed by a board of pharmacy or a similar 9 board of another state which accords similar recognition to 10 licensees of this state if the requirements for registration 11 in the other state are; in the opinion of the board; 12 equivalent to the requirements of this chapter.

13 (6) Every person licensed and registered under this 14 chapter shall receive from the department an appropriate 15 certificate attesting the fact, which shall be conspicuously 16 displayed at all times in his place of business. If the 17 holder is entitled to manage or conduct a pharmacy in this 18 state for himself or another, the fact shall be set forth in 19 the certificate."

20 Section 3. Section 37-10-302, MCA, is amended to read: 21 "37-10-302. Examination -- qualifications --22 application -- issuance of certificate. (1) The board shall 23 adopt rules relative to and governing the qualifications of 24 applicants for certificates of registration as optometrists. 25 If the applicant does not meet the requirements of the

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L rules, he is not eligible to take an examination to practice 2 optometry in this state. If the applicant meets the 3 requirements of the rules, he must pass an examination given 4 by the department, subject to 37-1-101. Examinations shall 5 be practical in character and designed to ascertain the applicant's fitness to practice the profession of optometry 6 7 and shall be conducted in the English language. The 8 department shall publish and distribute the examination 9 requirements for a certificate to practice optometry in this 10 state. The board may accept the grades an applicant has 11 received in the written examinations given by the national 12 board of examiners in optometry.

13 (2) No person is eligible to take the examination
 14 unless he is 18 years of agev-a-citizen-of-the-United
 15 Statest or older and of good moral character.

16 (3) No person is eligible to take the examination 17 unless he has certificates of graduation from an accredited 18 high school and from a school of optometry in which the 19 practice and science of optometry is taught in a course of 20 study covering 8 semesters or 4 years of actual attendance 21 and which is accredited by the international association of 22 boards of examiners in optometry. Instead of the 23 certificates of graduation, an applicant for examination may, with like effect, furnish an affidavit that he has 24 practiced optometry exclusively for a period of at least 6 25

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1 years in some other state or states.

2 (4) A person desiring to be examined in optometry
3 shall file an application, in the manner prescribed by the
4 board, at least 4 weeks before the examination is held, and
5 a fee of \$25 shall accompany the application.

6 (5) A person successfully passing the examination 7 shall be registered in a register which shall be kept by the 8 department, and on the payment of a fee of \$10 shall receive 9 a certificate of registration signed by the members of the 10 board."

11 Section 4. Section 37-13-302, MCA, is amended to read: 12 *37-13-302. Application for examination -- fee --13 qualifications. (1) Each person desiring to practice acupuncture in this state shall make application for 14 15 examination with the secretary of the board, upon the forms 16 and in the manner as prescribed by the board, at least 30 days before the date set by the board for the commencement 17 18 of the examination. An examination fee of \$50 shall 19 accompany the application.

20 (2) A person making application shall furnish the21 board evidence that he is:

22 (a) at least 18 years of age;

23 (b)--a-citizen-of-the-United--States--or--has--filed--a

24 property-rexecuted--declaration--of--intention--to--become-a

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25 citizen-of-the-United-Statest

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tet(b) of good moral character, as determined by the
 board; and

td)(c) a graduate of an approved school of acupuncture
or has completed a course in acupuncture approved by the
board.*

6 Section 5. Section 37-18-302, MCA, is amended to read: 7 "37-18-302. Application -- gualification -- fee. A 8 citizen--of--the--United-States person desiring to begin the practice of veterinary medicine or veterinary surgery in 9 10 this state or who desires to hold himself out to the public 11 as a practitioner of veterinary medicine or veterinary 12 surgery, except as provided in 37-18-104, shall make 13 application to the department for a license to do so. The 14 application shall be on a form furnished by the department 15 and shall be accompanied by satisfactory evidence of the 16 good moral character of the applicant and shall present 17 evidence of his having graduated in and received a degree from a legally authorized veterinary medical school having 18 19 educational standards equal to those approved by the 20 American veterinary medical association. On application, a 21 photostatic copy of the diploma of the applicant shall be submitted to the department for inspection and verification. 22 23 The photostatic copy remains the property of the department. 24 A person applying for a license to practice shall pay to the 25 department a nonrefundable fee commensurate with the costs

L	of the examinations and set annually by the board."
2	Section 6. Section 37-50-303; MCA; is amended to read:
3	*37-50-303. Public accountants licensure
4	qualifications and requirements. Licensure as a public
5	accountant is available to any person who:
6	t1}is-a-citizen-of-the-Unit ed-States-or-hasdectared
7	his-intention-of-becoming-a-citizen;
8	<pre>(2)(1) is a resident of this state or has a place of</pre>
9	business in this state or, as an employee, is regularly
10	employed in this state;
11	[]] is of good moral character;
12	<pre>f4f(3) meets the requirements of education [and</pre>
13	experience] set forth in 37-50-305 [and 37-50-306]; and
14	(5)(4) complies with the qualifications and
15	requirements in any one of the subsections of 37-50-304."
16	Section 7. Section 37-51-302, MCA, is amended to read:
17	"37-51-302. Broker or salesman license
18	qualifications of applicant+ (1) Licenses may be granted
19	only to individuals considered by the board to be of good
20	repute and competent to transact the business of a broker or
21	salesman in a manner as to safeguard the interests of the
22	public.
23	(2) An applicant for a broker's license shall:
24	ta }be-a-citizen-of-the-United-States ;

25 (b)(a) be at least 18 years of age;

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(c)(b) have graduated from an accredited high school
 or completed an equivalent education as determined by the
 board;

4 td)(c) have been actively engaged as a licensed real 5 estate salesman for a period of 2 years or have had 6 experience or special education equivalent to that which a 7 licensed real estate salesman ordinarily would receive 8 during this 2-year period as determined by the board, except 9 that if the board finds that an applicant could not obtain 10 employment as a licensed real estate salesman because of conditions existing in the area where he resides, the board 11 12 may waive this experience requirement; and

13 tet<u>(d)</u> file an application for license with the 14 department.

15 (3) The board shall require information it considers
16 necessary from an applicant to determine his honesty,
17 trustworthiness, and competency.

18 (4) (a) An applicant for a salesman's license shall:
19 (i) be at least 10 years of age;

20 (ii) have received credit for completion of 2 years of 21 full curriculum study at an accredited high school or 22 completed an equivalent education as determined by the 23 board; and

24 (iii) file an application for license with the 25 department. 1 (b) His application shall be accompanied by the 2 recommendation of the licensed broker by whom the applicant 3 will be employed or placed under contract, certifying that 4 the applicant is of good repute and that the broker will 5 actively supervise and train the applicant during the period 6 the requested license remains in effect.

7 (5) The department shall issue to each licensed broker 8 and to each licensed salesman a license and a pocket card in 9 a form and size as the board prescribes.

10 (6) A broker's license must indicate whether the

11 broker is a broker owner or a broker associate."

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SB 0342/03

1 SENATE BILL NO. 342 INTRODUCED BY S. BROWN, HIMSL Z 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO DELETE CITIZENSHIP 4 AS A QUALIFICATION FOR MEMBERSHIP ON A BANK BOARD OF 5 DIRECTORS OR LICENSURE AS A PHARMACIST. OPTOMETRIST. 6 7 VETERINARIAN. ACUPUNCTURIST. ACCOUNTANT. OR REAL ESTATE BROKER OR SALESMAN: AMENDING SECTIONS 32-1-322+ 37-7-302+ 8 37-10-302, 37-13-302, 37-18-302, 37-50-303, AND 37-51-302, 9 10 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." 11 WHEREAS, the Legislative Audit Committee in its sunset 12 13 reviews determined that a few professions and occupations 14 require citizenship as a qualification for licensure; and 15 WHEREAS, a number of courts, including the United 16 States Supreme Court+ have found citizenship gualifications 17 for licensure unconstitutional. 18 THEREFORE, it is the intent of this act to delete citizenship requirements as a qualification for licensure by 19 20 those boards presently having a citizenship requirement. 21 22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 23 Section 1. Section 32-1-322, MCA, is amended to read: 24 "32-1-322. Board of directors -- gualifications, 25 tenure, and vacancies. (1) The affairs of the bank shall be

managed by a board of directors, not less than 3 or more 1 2 than 11 in number. all of whom shall be stockholders of the 3 bank and-eitizens-of-the-United-Statesy and of whom at least 4 two-thirds must be residents of this state. A person who has 5 been convicted of a crime against the banking laws of the 6 United States or of any state may not be elected a director. 7 (2) The directors shall be elected for a term of 1 year at the annual meeting of the stockholders, which shall 8 9 be held on any Tuesday up to and including the second 10 Tuesday in April of each calendar year. If the election is 11 not held on the day fixed for the annual meeting, the 12 corporation may not thereby be dissolved, but an election 13 may be held at any other time agreeable to the bylaws of the 14 corporation, and the persons so elected shall hold their office until the second Tuesday of the following January or 15 until others are elected and qualified. Every director shall 16 17 take and subscribe an oath that he will diligently and 16 honestly perform his duty in the office, that he will not 19 knowingly violate or permit a violation of any of the provisions of this chapter, and that he is the owner in good 20 faith of the required number of shares of stock in the bank 21 22 standing in his name on the books of the bank. The oaths shall be made in duplicate, one copy of which shall be 23 transmitted to the department and filed in its office and 24 25 one copy shall be kept on file in the office of the bank.

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REFERENCE BILL

1 (3) In case of death or resignation of one or more of 2 the directors, the vacancy shall be filled by the board, and 3 the directors so appointed shall hold office until the next 4 annual election.**

Section 2. Section 37-7-302. MCA. is amended to read: 5 =37-7-302. Examination -- qualifications -- fees --6 reciprocity. (1) The department shall give reasonable notice 7 of examinations by mail to known applicants. The department 8 9 shall record the names of persons examined, together with the grounds on which the right of each to examination was 10 11 claimed, and also the names of persons registered by 12 examination or otherwise.

13 (2) The fee for an examination shall be set by the 14 board at a figure commensurate with costs, which fee may in 15 the discretion of the board be returned to applicants not 16 taking the examination. On again making payment of the fee, 17 an applicant who fails is entitled to take the next 18 succeeding examination free of charge.

19 (3) The fee for registration by reciprocity is \$200.
20 (4) To be entitled to examination as a pharmacist. the
21 applicant shall be e-citizen-of-the-United-Statesv of good
22 moral characterv and a graduate of the school of pharmacy of
23 the university of Montana or of a college or school of
24 pharmacy recognized and approved by or a member of the
25 American association of colleges of pharmacy; but the

applicant may not receive a registered pharmacist's license
 until he has complied with the internship requirements
 established by the board. During this period, if the
 applicant has passed the examination, he shall be licensed
 as an intern only.

6 (5) The board may in its discretion authorize the 7 department to grant registration without examination to a 8 pharmacist licensed by a board of pharmacy or a similar 9 board of another state which accords similar recognition to 10 licensees of this state if the requirements for registration 11 in the other state are; in the opinion of the board; 12 equivalent to the requirements of this chapter.

13 (6) Every person licensed and registered under this 14 chapter shall receive from the department an appropriate 15 certificate attesting the fact, which shall be conspicuously 16 displayed at all times in his place of business. If the 17 holder is entitled to manage or conduct a pharmacy in this 18 state for himself or another, the fact shall be set forth in 19 the certificate."

20 Section 3. Section 37-10-302, MCA, is amended to read: 21 **37-10-302. Examination -- qualifications --22 application -- issuance of certificate. (1) The board shall 23 adopt rules relative to and governing the qualifications of 24 applicants for certificates of registration as optometrists. 25 If the applicant does not meet the requirements of the

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1 rules, he is not eligible to take an examination to practice Z optometry in this state. If the applicant meets the requirements of the rules, he must pass an examination given 3 by the department, subject to 37-1-101. Examinations shall 4 be practical in character and designed to ascertain the 5 applicant's fitness to practice the profession of optometry 6 and shall be conducted in the English language. The 7 8 department shall publish and distribute the examination 9 requirements for a certificate to practice optometry in this state. The board may accept the grades an applicant has 10 11 received in the written examinations given by the national 12 board of examiners in optometry.

13 (2) No person is eligible to take the examination
14 unless he is 18 years of agey--a--citizen--of--the--United
15 Statesy or_older and of good moral character.

16 (3) No person is eligible to take the examination unless he has certificates of graduation from an accredited 17 18 high school and from a school of optometry in which the practice and science of optometry is taught in a course of 19 study covering 8 semesters or 4 years of actual attendance 20 21 and which is accredited by the international association of 22 boards of examiners in optometry. Instead of the 23 certificates of graduation, an applicant for examination 24 may, with like effect, furnish an affidavit that he has 25 practiced optometry exclusively for a period of at least 6

1 years in some other state or states.

2 (4) A person desiring to be examined in optometry
3 shall file an application, in the manner prescribed by the
4 board, at least 4 weeks before the examination is held, and
5 a fee of \$25 shall accompany the application.

6 (5) A person successfully passing the examination 7 shall be registered in a register which shall be kept by the 8 department, and on the payment of a fee of \$10 shall receive 9 a certificate of registration signed by the members of the 10 board.*

11 Section 4. Section 37-13-302. MCA. is amended to read: 12 #37-13-302. Application for examination -- fee --13 qualifications. (1) Each person desiring to practice 14 acupuncture in this state shall make application for 15 examination with the secretary of the board, upon the forms 16 and in the manner as prescribed by the board, at least 30 17 days before the date set by the board for the commencement 18 of the examination. An examination fee of \$50 shall 19 accompany the application.

20 {2} A person making application shall furnish the 21 board evidence that he is:

22 (a) at least 16 years of age;

23 (b)--a-eitizen-of-the-United--States--or--has--filed--a

24 properly--executed--declaration--of--intention--to--become-a

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1 tet(b) of good moral character. as determined by the 2 board; and

3 (d)(c) a graduate of an approved school of acupuncture
4 or has completed a course in acupuncture approved by the
5 board.^m

٨ Section 5. Section 37-18-302, MCA, is amended to read: 7 *37-18-302. Application -- qualification -- fee. A 8 citizen--of--the--United-States person desiring to begin the 9 practice of veterinary medicine or veterinary surgery in 10 this state or who desires to hold himself out to the public 11 as a practitioner of veterinary medicine or veterinary 12 surgery, except as provided in 37+18-104, shall make 13 application to the department for a license to do so. The application shall be on a form furnished by the department 14 15 and shall be accompanied by satisfactory evidence of the 16 good moral character of the applicant and shall present 17 evidence of his having graduated in and received a degree 18 from a legally authorized veterinary medical school having 19 educational standards equal to those approved by the 20 American veterinary medical association. On application, a photostatic copy of the diploma of the applicant shall be 21 22 submitted to the department for inspection and verification. 23 The photostatic copy remains the property of the department. 24 A person applying for a license to practice shall pay to the 25 department a nonrefundable fee commensurate with the costs

of the examinations and set annually by the board." Section 6. Section 37-50-303. MCA, is amended to read: "37-50-303. Public accountants -- licensure -qualifications and requirements. Licensure as a public accountant is available to any person who: <u>tit--is-o-citizen-of-the-United-States-or-has--declared</u> his-intention-of-becoming-a-citizent <u>t27(11)</u> is a resident of this state or has a place of business in this state or. as an employee, is regularly employed in this state; <u>t37(2)</u> is of good moral character; <u>t47(3)</u> meets the requirements of education [and

experience) set forth in 37-50-305 [and 37-50-306]; and 13 14 t5+(4) complies with the qualifications and 15 requirements in any one of the subsections of 37-50-304." 16 Section 7. Section 37-51-302, MCA, is amended to read: 17 #37-51-302. Broker or salesman license 18 qualifications of applicant. (1) Licenses may be granted 19 only to individuals considered by the board to be of good 20 repute and competent to transact the business of a broker or 21 salesman in a manner as to safequard the interests of the oublic. 22

23 (2) An applicant for a broker's license shall:

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24 foj--be-a-citizen-of-the-United-Statest

25 (b)(a) be at least 18 years of age;

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tc;(b) have graduated from an accredited high school
 or completed an equivalent education as determined by the
 board;

(d)(c) have been actively engaged as a licensed real 4 5 estate salesman for a period of 2 years or have had 6 experience or special education equivalent to that which a 7 licensed real estate salesman ordinarily would receive в during this 2-year period as determined by the board, except 9 that if the board finds that an applicant could not obtain 10 employment as a licensed real estate salesman because of 11 conditions existing in the area where he resides, the board 12 may waive this experience requirement; and

13 t=)(d) file an application for license with the 14 department.

15 (3) The board shall require information it considers
16 necessary from an applicant to determine his honesty,
17 trustworthiness, and competency.

18 (4) (a) An applicant for a salesman's license shall:19 (i) be at least 18 years of age;

20 (ii) have received credit for completion of 2 years of 21 full curriculum study at an accredited high school or 22 completed an equivalent education as determined by the 23 poard; and

24 (iii) file an application for license with the 25 department.

1 (b) His application shall be accompanied by the 2 recommendation of the licensed broker by whom the applicant will be employed or placed under contract, certifying that 3 the applicant is of good repute and that the broker will 4 actively supervise and train the applicant during the period 5 6 the requested license remains in effect. 7 (5) The department shall issue to each licensed broker 8 and to each licensed salesman a license and a pocket card in 9 a form and size as the board prescribes. 10 (6) A broker's license must indicate whether the 11 broker is a broker owner or a broker associate." 12 SECTION 8. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON PASSAGE AND APPROVAL. 13

-End-

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House amendments to Senate Bill 342:

 Title, line 10.
 Following: "MCA" Insert: ", AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"
 Page 10.
 Following: line 11 Insert: "NEW SECTION. Section 8. Effective date. This act is effective upon passage and approval."

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