

SENATE BILL NO. 342

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 HOUSE

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

March 30, 1981

Returned from House with amendments.

April 2, 1981

Second reading, amendments concurred in.

April 4, 1981

Third reading, amendments concurred in. Ayes, 39; No, 8. Sent to enrolling.

Reported correctly enrolled.

1 *Sen* BILL NO. *342*
 2 INTRODUCED BY *Steve Brown*
 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."

11
 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.

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 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 -- qualifications,
 25 tenure, and vacancies. (1) The affairs of the bank shall be

1 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 States~~, 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
 14 corporation, and the persons so elected shall hold their
 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
 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
 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.

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.

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 ~~a citizen of the United States~~, of good
22 moral character, 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

1 applicant may not receive a registered pharmacist's license
2 until he has complied with the internship requirements
3 established by the board. During this period, if the
4 applicant has passed the examination, he shall be licensed
5 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

1 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
 6 applicant's fitness to practice the profession of optometry
 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 age ~~and a citizen of the United~~
 15 ~~States~~ 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
 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 18 years of age;

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

1 ~~(e)(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."

6 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
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
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
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

1 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 ~~(1) -- is a citizen of the United States or has declared~~
7 ~~his intention of becoming a citizen~~

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
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 ~~(a) -- be a citizen of the United States;~~

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

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

4 ~~(c)~~(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
11 conditions existing in the area where he resides, the board
12 may waive this experience requirement; and

13 ~~(c)~~(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 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."

-End-

SB342

Approved by Committee on Judiciary

1 *Smith* BILL NO. *342*
2 INTRODUCED BY *Steve Brown* *Stimmel*
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6 United States or of any state may not be elected a director.

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15 office until the second Tuesday of the following January or
16 until others are elected and qualified. Every director shall
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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
22 standing in his name on the books of the bank. The oaths
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6 "37-7-302. Examination -- qualifications -- fees --
7 reciprocity. (1) The department shall give reasonable notice
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19 the certificate."

20 Section 3. Section 37-10-302, MCA, is amended to read:
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25 If the applicant does not meet the requirements of the

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

1 ~~(e)(5)~~ of good moral character, as determined by the
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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:

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
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
18 from a legally authorized veterinary medical school having
19 educational standards equal to those approved by the
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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.
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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
13 experience] set forth in 37-50-305 [and 37-50-306]; and

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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 ~~(a)--be-a-citizen-of-the-United-States;~~

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24 (iii) file an application for license with the
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1 (b) His application shall be accompanied by the
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-2- THIRD READING
 SB 342

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25 American association of colleges of pharmacy; but the

1 applicant may not receive a registered pharmacist's license
2 until he has complied with the internship requirements
3 established by the board. During this period, if the
4 applicant has passed the examination, he shall be licensed
5 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

1 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
 6 applicant's fitness to practice the profession of optometry
 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 age, ~~a citizen of the United~~
 15 ~~States, 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
 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 18 years of age;

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

1 ~~(e)(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."

6 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
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
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
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

1 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 ~~(1) -- is a citizen of the United States or has declared~~
7 ~~his intention of becoming a citizen~~

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
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 ~~(a) -- be a citizen of the United States~~

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

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

4 ~~(d)~~(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
11 conditions existing in the area where he resides, the board
12 may waive this experience requirement; and

13 ~~(e)~~(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 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."

-End-

1 SENATE BILL NO. 342

2 INTRODUCED BY S. BROWN, HIMSL

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."

11
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
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 -- qualifications,
25 tenure, and vacancies. (1) The affairs of the bank shall be

1 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 States~~, 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
14 corporation, and the persons so elected shall hold their
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
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
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.

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.

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-States~~ of good
22 moral character, 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

1 applicant may not receive a registered pharmacist's license
2 until he has complied with the internship requirements
3 established by the board. During this period, if the
4 applicant has passed the examination, he shall be licensed
5 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

1 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
 6 applicant's fitness to practice the profession of optometry
 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 age ~~and a citizen of the United~~
 15 ~~States~~ 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
 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 18 years of age;

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

1 ~~(d)~~(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."

6 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
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
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
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

1 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 ~~(1)--is-a-citizen-of-the-United-States-or-has-declared~~
7 ~~his-intention-of-becoming-a-citizen~~

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
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 ~~(a)--be-a-citizen-of-the-United-States;~~

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

1 ~~f~~(b) have graduated from an accredited high school
 2 or completed an equivalent education as determined by the
 3 board;

4 ~~f~~(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
 11 conditions existing in the area where he resides, the board
 12 may waive this experience requirement; and

13 ~~f~~(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 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."

-End-

SENATE BILL NO. 342

INTRODUCED BY S. BROWN, WIMSL

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

WHEREAS, the Legislative Audit Committee in its sunset reviews determined that a few professions and occupations require citizenship as a qualification for licensure; and

WHEREAS, a number of courts, including the United States Supreme Court, have found citizenship qualifications for licensure unconstitutional.

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

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 than 11 in number, all of whom shall be stockholders of the bank ~~and citizens of the United States~~ and of whom at least two-thirds must be residents of this state. A person who has been convicted of a crime against the banking laws of the United States or of any state may not be elected a director.

(2) The directors shall be elected for a term of 1 year at the annual meeting of the stockholders, which shall be held on any Tuesday up to and including the second Tuesday in April of each calendar year. If the election is not held on the day fixed for the annual meeting, the corporation may not thereby be dissolved, but an election may be held at any other time agreeable to the bylaws of the corporation, and the persons so elected shall hold their office until the second Tuesday of the following January or until others are elected and qualified. Every director shall take and subscribe an oath that he will diligently and honestly perform his duty in the office, that he will not knowingly violate or permit a violation of any of the provisions of this chapter, and that he is the owner in good faith of the required number of shares of stock in the bank standing in his name on the books of the bank. The oaths shall be made in duplicate, one copy of which shall be transmitted to the department and filed in its office and one copy shall be kept on file in the office of the bank.

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.

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 ~~a citizen of the United States~~ of good
22 moral character, 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

1 applicant may not receive a registered pharmacist's license
2 until he has complied with the internship requirements
3 established by the board. During this period, if the
4 applicant has passed the examination, he shall be licensed
5 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

1 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
 6 applicant's fitness to practice the profession of optometry
 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 age, ~~a--citizen--of--the--United~~
 15 ~~States, 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
 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 18 years of age;
 23 ~~(b)--a-citizen-of-the-United--States--or--has--filed--a~~
 24 ~~properly--executed--declaration--of--intention--to--become--a~~
 25 ~~citizen-of-the-United-States†~~

1 ~~(c)~~(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."

6 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
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
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
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

1 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 ~~(1) -- is a citizen of the United States or has declared~~
7 ~~his intention of becoming a citizen~~

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
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 ~~(a) -- be a citizen of the United States~~

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

1 ~~(e)~~(b) have graduated from an accredited high school
2 or completed an equivalent education as determined by the
3 board;

4 ~~(d)~~(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
11 conditions existing in the area where he resides, the board
12 may waive this experience requirement; and

13 ~~(e)~~(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 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."

12 SECTION 8. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON
13 PASSAGE AND APPROVAL.

-End-

House amendments to Senate Bill 342:

1. Title, line 10.

Following: "MCA"

Insert: ", AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 10.

Following: line 11

Insert: "NEW SECTION. Section 8. Effective date. This act is effective upon passage and approval."