

SENATE BILL NO. 394

INTRODUCED BY S. BROWN, HIMSL

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

IN THE SENATE

February 7, 1981	Introduced and referred to Committee on Public Health, Welfare, and Safety.
February 14, 1981	Committee recommend bill do pass as amended. Report adopted.
February 16, 1981	Bill printed and placed on members' desks.
February 17, 1981	Second reading, do pass.
February 18, 1981	Correctly engrossed.
February 19, 1981	Third reading, passed. Ayes, 45; Noes, 2. Transmitted to House.

IN THE HOUSE

February 20, 1981	Introduced and referred to Committee on State Administration.
March 6, 1981	Committee recommend bill be concurred in, as amended. Report adopted.
March 10, 1981	Second reading, concurred in.
March 12, 1981	Third reading, concurred in as amended. Ayes, 90; Noes, 5.

IN THE SENATE

March 13, 1981

Returned from House with amendments. Concurred in as amended.

March 16, 1981

On motion, consideration be passed for the day.

March 17, 1981

Second reading, amendments concurred in.

March 19, 1981

Third reading, amendments concurred in. Ayes, 47; Noes, 0. Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. *394*
 2 INTRODUCED BY *STEVE BROWN*
 3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE
 6 BOARD OF CHIROPRACTORS UNDER EXISTING STATUTORY AUTHORITY
 7 AND RULES; ADDING A PUBLIC MEMBER TO THE BOARD; AMENDING
 8 SECTIONS 2-8-103 AND 2-15-1613, MCA; AND PROVIDING AN
 9 IMMEDIATE EFFECTIVE DATE."

10
 11 WHEREAS, the sunset law, sections 2-8-103 and 2-8-112,
 12 MCA, terminates the Board of Chiropractors and requires a
 13 performance evaluation of the Board by the Legislative Audit
 14 Committee; and

15 WHEREAS, as a result of the performance evaluation, the
 16 Legislative Audit Committee recommends that the Board of
 17 Chiropractors be reestablished under existing statutory
 18 authority.

19
 20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

21 Section 1. Reestablishment. The board of chiropractors
 22 is reestablished for 6 years pursuant to 2-8-122 with its
 23 existing statutory authority and rules.

24 Section 2. Section 2-8-103, MCA, is amended to read:
 25 "2-8-103. Agencies to terminate. (1) The following

1 agencies shall terminate on July 1, 1979:

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

4 (b) board of real estate, department of professional
 5 and occupational licensing, created by 2-15-1642;

6 (c) state board of warm air heating, ventilation, and
 7 air conditioning, department of professional and
 8 occupational licensing, created by 2-15-1656;

9 (d) board of institutions, department of institutions,
 10 created by 2-15-2303.

11 (2) The following agencies shall terminate on July 1,
 12 1981:

13 (a) commission for human rights, department of labor
 14 and industry, created by 2-15-1706;

15 (b) board of athletics, department of professional and
 16 occupational licensing, created by 2-15-1661;

17 (c) board of barbers, department of professional and
 18 occupational licensing, created by 2-15-1625;

19 ~~(d) board of chiropractors, department of professional~~
 20 ~~and occupational licensing, created by 2-15-1613;~~

21 ~~(e)~~ (d) board of cosmetologists, department of
 22 professional and occupational licensing, created by
 23 2-15-1626;

24 ~~(f)~~ (e) board of dentists, department of professional
 25 and occupational licensing, created by 2-15-1606;

INTRODUCED BILL

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1 (g)(f) board of hearing aid dispensers, department of
2 professional and occupational licensing, created by
3 2-15-1616;

4 (h)(g) board of massage therapists, department of
5 professional and occupational licensing, created by
6 2-15-1627;

7 (i)(h) Montana state board of medical examiners,
8 department of professional and occupational licensing,
9 created by 2-15-1605;

10 (j)(i) board of morticians, department of professional
11 and occupational licensing, created by 2-15-1619;

12 (k)(j) board of nursing, department of professional
13 and occupational licensing, created by 2-15-1610;

14 (l)(k) board of nursing home administrators,
15 department of professional and occupational licensing,
16 created by 2-15-1611;

17 (m)(l) board of optometrists, department of
18 professional and occupational licensing, created by
19 2-15-1612;

20 (n)(m) board of osteopathic physicians, department of
21 professional and occupational licensing, created by
22 2-15-1607;

23 (o)(n) board of pharmacists, department of
24 professional and occupational licensing, created by
25 2-15-1609;

1 (p)(o) board of podiatry examiners, department of
2 professional and occupational licensing, created by
3 2-15-1608;

4 (q)(p) board of psychologists, department of
5 professional and occupational licensing, created by
6 2-15-1617;

7 (r)(q) board of radiologic technologists, department
8 of professional and occupational licensing, created by
9 2-15-1614;

10 (s)(r) board of speech pathologists and audiologists,
11 department of professional and occupational licensing,
12 created by 2-15-1615;

13 (t)(s) board of veterinarians, department of
14 professional and occupational licensing, created by
15 2-15-1618;

16 (u)(t) board of veterans' affairs, department of
17 social and rehabilitation services, created by 2-15-2202;

18 (v)(u) board of sanitarians, department of
19 professional and occupational licensing, created by
20 2-15-1631.

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

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

25 (b) state board of hail insurance, department of

1 agriculture, created by 2-15-3003;
 2 (c) board of horse racing, department of professional
 3 and occupational licensing, created by 2-15-1662;
 4 (d) board of livestock, department of livestock,
 5 created by 2-15-3102;
 6 (e) board of milk control, department of business
 7 regulation, created by 2-15-1802;
 8 (f) board of oil and gas conservation, department of
 9 natural resources and conservation, created by 2-15-3303;
 10 (g) Montana outfitters council, department of fish,
 11 wildlife, and parks, created by 2-15-3403;
 12 (h) public service commission, department of public
 13 service regulation, created by 69-1-102;
 14 (i) board of water and wastewater operators,
 15 department of health and environmental sciences, created by
 16 2-15-2105;
 17 (j) board of water well contractors, department of
 18 professional and occupational licensing, created by
 19 2-15-1632.
 20 (4) The following agencies terminate on July 1, 1985:
 21 (a) the board of public accountants, created by
 22 2-15-1641;
 23 (b) the board of architects, created by 2-15-1651;
 24 (c) state banking board, department of business
 25 regulation, created by 2-15-1803;

1 (d) the state electrical board, created by 2-15-1654;
 2 (e) the board of professional engineers and land
 3 surveyors, created by 2-15-1653;
 4 (f) office of commissioner of insurance and the
 5 insurance department, state auditor's office, created by
 6 2-15-1902 and 2-15-1903;
 7 (g) office of the securities commissioner, state
 8 auditor's office, created by 2-15-1901;
 9 (h) the board of landscape architects, created by
 10 2-15-1652;
 11 (i) the board of county printing, created by
 12 2-15-1102;
 13 (j) the board of plumbers, created by 2-15-1655;
 14 (k) board of physical therapy examiners, created by
 15 2-15-1628.
 16 (5) The following agency terminates on July 1, 1987:
 17 the board of chiropractors, department of professional and
 18 occupational licensing, created by 2-15-1613."

19 Section 3. Section 2-15-1613, MCA, is amended to read:
 20 "2-15-1613. Board of chiropractors. (1) There is a
 21 board of chiropractors.
 22 (2) The board consists of three ~~four~~ members appointed
 23 by the governor. ~~The three~~ ~~members shall~~ ~~must~~ be practicing
 24 chiropractors of integrity and ability who ~~shall--be~~ ~~are~~
 25 residents of this state and who have practiced chiropractic

1 continuously in this state for at least 1 year. No two
2 members ~~shall~~ may be graduates of the same school or college
3 of chiropractic. One member must be a representative of the
4 public who is not engaged in the practice of chiropractic.

5 (3) Each member shall serve for a term of 3 years. No
6 member may be appointed for more than two consecutive terms.
7 A member may be removed from office by the governor on
8 sufficient proof of the member's inability or misconduct.

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

11 Section 4. Effective date. This act is effective on
12 passage and approval.

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Approved by Committee
on Public Health,
Safety and Welfare

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8 CONTINUING EDUCATION REQUIREMENT; AMENDING SECTIONS 2-8-103
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16 WHEREAS, as a result of the performance evaluation, the
17 Legislative Audit Committee recommends that the Board of
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17 occupational licensing, created by 2-15-1661;

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20 ~~(d) board of chiropractors, department of professional~~
21 ~~and occupational licensing, created by 2-15-1613;~~

22 ~~(e)~~ (d) board of cosmetologists, department of
23 professional and occupational licensing, created by
24 2-15-1626;

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10 2-15-1614;

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

12 SECTION 4. SECTION 37-12-307, MCA, IS AMENDED TO READ:

13 "37-12-307. Annual renewal of license -- fee --
 14 continuing education required. A license expires on
 15 September 1 of each year and shall be renewed by the
 16 department on payment of a renewal fee of not more than \$50,
 17 as set by the board, ~~and the presentation of evidence~~
 18 ~~satisfactory to the board that the licensee in the year~~
 19 ~~preceding the application for renewal attended and~~
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16 WHEREAS, as a result of the performance evaluation, the
17 Legislative Audit Committee recommends that the Board of
18 Chiropractors be reestablished under existing statutory
19 authority.

20
21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

22 Section 1. Reestablishment. The board of chiropractors
23 is reestablished for 6 years pursuant to 2-8-122 with its
24 existing statutory authority and rules.

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

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

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

5 (b) board of real estate, department of professional
6 and occupational licensing, created by 2-15-1642;

7 (c) state board of warm air heating, ventilation, and
8 air conditioning, department of professional and
9 occupational licensing, created by 2-15-1656;

10 (d) board of institutions, department of institutions,
11 created by 2-15-2303.

12 (2) The following agencies shall terminate on July 1,
13 1981:

14 (a) commission for human rights, department of labor
15 and industry, created by 2-15-1706;

16 (b) board of athletics, department of professional and
17 occupational licensing, created by 2-15-1661;

18 (c) board of barbers, department of professional and
19 occupational licensing, created by 2-15-1625;

20 ~~(d) board of chiropractors, department of professional~~
21 ~~and occupational licensing, created by 2-15-1613;~~

22 ~~(e)~~ (d) board of cosmetologists, department of
23 professional and occupational licensing, created by
24 2-15-1626;

25 ~~(f)~~ (e) board of dentists, department of professional

1 and occupational licensing, created by 2-15-1606;

2 (g)(f) board of hearing aid dispensers, department of
3 professional and occupational licensing, created by
4 2-15-1616;

5 (h)(g) board of massage therapists, department of
6 professional and occupational licensing, created by
7 2-15-1627;

8 (i)(h) Montana state board of medical examiners,
9 department of professional and occupational licensing,
10 created by 2-15-1605;

11 (j)(i) board of morticians, department of professional
12 and occupational licensing, created by 2-15-1619;

13 (k)(j) board of nursing, department of professional
14 and occupational licensing, created by 2-15-1610;

15 (l)(k) board of nursing home administrators,
16 department of professional and occupational licensing,
17 created by 2-15-1611;

18 (m)(l) board of optometrists, department of
19 professional and occupational licensing, created by
20 2-15-1612;

21 (n)(m) board of osteopathic physicians, department of
22 professional and occupational licensing, created by
23 2-15-1607;

24 (o)(n) board of pharmacists, department of
25 professional and occupational licensing, created by

1 2-15-1609;

2 (p)(o) board of podiatry examiners, department of
3 professional and occupational licensing, created by
4 2-15-1608;

5 (q)(p) board of psychologists, department of
6 professional and occupational licensing, created by
7 2-15-1617;

8 (r)(q) board of radiologic technologists, department
9 of professional and occupational licensing, created by
10 2-15-1614;

11 (s)(r) board of speech pathologists and audiologists,
12 department of professional and occupational licensing,
13 created by 2-15-1615;

14 (t)(s) board of veterinarians, department of
15 professional and occupational licensing, created by
16 2-15-1618;

17 (u)(t) board of veterans' affairs, department of
18 social and rehabilitation services, created by 2-15-2202;

19 (v)(u) board of sanitarians, department of
20 professional and occupational licensing, created by
21 2-15-1631.

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

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

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

3 (c) board of horse racing, department of professional
4 and occupational licensing, created by 2-15-1662;

5 (d) board of livestock, department of livestock,
6 created by 2-15-3102;

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

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

11 (g) Montana outfitters council, department of fish,
12 wildlife, and parks, created by 2-15-3403;

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

15 (i) board of water and wastewater operators,
16 department of health and environmental sciences, created by
17 2-15-2105;

18 (j) board of water well contractors, department of
19 professional and occupational licensing, created by
20 2-15-1632.

21 (4) The following agencies terminate on July 1, 1985:

22 (a) the board of public accountants, created by
23 2-15-1641;

24 (b) the board of architects, created by 2-15-1651;

25 (c) state banking board, department of business

1 regulation, created by 2-15-1803;

2 (d) the state electrical board, created by 2-15-1654;

3 (e) the board of professional engineers and land
4 surveyors, created by 2-15-1653;

5 (f) office of commissioner of insurance and the
6 insurance department, state auditor's office, created by
7 2-15-1902 and 2-15-1903;

8 (g) office of the securities commissioner, state
9 auditor's office, created by 2-15-1901;

10 (h) the board of landscape architects, created by
11 2-15-1652;

12 (i) the board of county printing, created by
13 2-15-1102;

14 (j) the board of plumbers, created by 2-15-1655;

15 (k) board of physical therapy examiners, created by
16 2-15-1628.

17 (5) The following agency terminates on July 1, 1987:
18 the board of chiropractors, department of professional and
19 occupational licensing, created by 2-15-1613."

20 Section 3. Section 2-15-1613, MCA, is amended to read:

21 "2-15-1613. Board of chiropractors. (1) There is a
22 board of chiropractors.

23 (2) The board consists of three ~~four~~ members appointed
24 by the governor. ~~The three~~ members shall must be practicing
25 chiropractors of integrity and ability who shall ~~be~~ are

1 residents of this state and who have practiced chiropractic
 2 continuously in this state for at least 1 year. No two
 3 members shall ~~may~~ be graduates of the same school or college
 4 of chiropractic. One member must be a representative of the
 5 public who is not engaged in the practice of chiropractic.

6 (3) Each member shall serve for a term of 3 years. No
 7 member may be appointed for more than two consecutive terms.
 8 A member may be removed from office by the governor on
 9 sufficient proof of the member's inability or misconduct.

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

12 SECTION 4. SECTION 37-12-307, MCA, IS AMENDED TO READ:

13 "37-12-307. Annual renewal of license -- fee --
 14 continuing CONTINUING education required. A license expires
 15 on September 1 of each year and shall be renewed by the
 16 department on payment of a renewal fee of not more than \$50,
 17 as set by the board, ~~and the presentation of evidence~~
 18 ~~satisfactory to the board that the licensee, in the year~~
 19 ~~preceding the application for renewal attended and~~
 20 ~~successfully completed a postgraduate educational program~~
 21 ~~for chiropractors consisting of monitored classroom time~~
 22 ~~conducted by instructors from accredited colleges of~~
 23 ~~chiropractic in subjects designated and approved by the~~
 24 ~~board. However, the board may authorize the department to~~
 25 ~~issue renewals, but not consecutive renewals, on a showing~~

1 ~~satisfactory to the board that attendance at the educational~~
 2 ~~programs was unavoidably prevented, and new licensees during~~
 3 ~~the 6 months preceding September 1, by examination, shall be~~
 4 ~~granted renewal licenses without attending the educational~~
 5 ~~programs, AND THE PRESENTATION OF EVIDENCE SATISFACTORY TO~~
 6 ~~THE BOARD THAT THE LICENSEE, IN THE YEAR PRECEDING THE~~
 7 ~~APPLICATION FOR RENEWAL, ATTENDED AND SUCCESSFULLY COMPLETED~~
 8 ~~A POSTGRADUATE EDUCATIONAL PROGRAM FOR CHIROPRACTORS."~~

9 Section 5. Effective date. This act is effective on
 10 passage and approval.

-End-

HOUSE STATE ADMINISTRATION

AMENDMENTS -SENATE BILL 394 (HOUSE AMENDMENTS)

1. Title, line 7.

Following: "BOARD;"

Strike: "DELETING"

Insert: "AMENDING THE"

2. Page 7, line 14.

Following: "continuing"

Insert: "continuing"

3. Page 8, line 5.

Following: "programs"

Insert: ", and the presentation of evidence satisfactory to the board that the licensee, in the year preceding the application for renewal, attended and successfully completed a postgraduate educational program for chiropractors"