

SENATE BILL NO. 406

INTRODUCED BY HIMSL, S. BROWN

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

IN THE SENATE

| | |
|-------------------|---|
| February 9, 1981 | Introduced and referred to Committee on Public Health, Welfare, and Safety. |
| | Fiscal note requested. |
| February 13, 1981 | Fiscal note returned. |
| February 16, 1981 | Committee recommend bill do pass. Report adopted. |
| February 17, 1981 | Bill printed and placed on members' desks. |
| February 18, 1981 | Second reading, do pass. |
| February 19, 1981 | Correctly engrossed. |
| February 20, 1981 | Third reading, passed. Ayes, 50; Noes, 0. Transmitted to House. |

IN THE HOUSE

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|-------------------|---|
| February 21, 1981 | Introduced and referred to Committee on State Administration. |
| March 6, 1981 | Committee recommend bill be concurred in. Report adopted. |
| March 9, 1981 | Second reading, concurred in. |
| March 12, 1981 | Third reading, concurred in. Ayes, 88; Noes, 6. |

IN THE SENATE

March 13, 1981

Returned from House. Con-
curred in. Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. *406*
 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 COSMETOLOGISTS UNDER EXISTING STATUTORY AUTHORITY
 7 AND RULES AND TO GENERALLY REVISE THE COSMETOLOGIST
 8 LICENSING LAWS; MODIFYING THE BOARD MAKEUP; REQUIRING AN
 9 ANNUAL INSPECTION OF COSMETOLOGICAL FACILITIES; ELIMINATING
 10 THE ONE-YEAR EXPERIENCE REQUIREMENT FOR A MANAGER-OPERATOR;
 11 DELETING SOME EXEMPTIONS FROM LICENSING; PROVIDING FOR
 12 RECIPROCAL LICENSING OF MANAGER-OPERATORS; REMOVING THE
 13 PUBLIC EMPLOYEES EXEMPTION FROM LICENSURE AS AN
 14 ELECTROLOGIST; AMENDING SECTIONS 2-8-103, 2-15-1626,
 15 37-31-302, 37-31-305 THROUGH 37-31-308, 37-31-312,
 16 37-31-323, AND 37-32-103, MCA; AND PROVIDING AN IMMEDIATE
 17 EFFECTIVE DATE."

18
 19 WHEREAS, the sunset law, sections 2-8-103 and 2-9-112,
 20 MCA, terminates the Board of Cosmetologists and requires a
 21 performance evaluation of the Board by the Legislative Audit
 22 Committee; and

23 WHEREAS, as a result of the performance evaluation, the
 24 Legislative Audit Committee recommends that the Board of
 25 Cosmetologists be reestablished under existing statutory

1 authority.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

4 Section 1. Reestablishment. The board of
 5 cosmetologists is reestablished for 6 years pursuant to
 6 2-8-122 with its existing statutory authority and rules.

7 Section 2. Section 2-8-103, MCA, is amended to read:
 8 "2-8-103. Agencies to terminate. (1) The following
 9 agencies shall terminate on July 1, 1979:

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

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

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

17 (d) board of institutions, department of institutions,
 18 created by 2-15-2303.

19 (2) The following agencies shall terminate on July 1,
 20 1981:

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

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

25 (c) board of barbers, department of professional and

1 occupational licensing, created by 2-15-1625;
 2 (d) board of chiropractors, department of professional
 3 and occupational licensing, created by 2-15-1613;
 4 ~~(e) board of cosmetologists, department of~~
 5 ~~professional and occupational licensing, created by~~
 6 ~~2-15-1626;~~
 7 ~~(f)(a)~~ board of dentists, department of professional
 8 and occupational licensing, created by 2-15-1606;
 9 ~~(g)(f)~~ board of hearing aid dispensers, department of
 10 professional and occupational licensing, created by
 11 2-15-1616;
 12 ~~(h)(g)~~ board of massage therapists, department of
 13 professional and occupational licensing, created by
 14 2-15-1627;
 15 ~~(i)(h)~~ Montana state board of medical examiners,
 16 department of professional and occupational licensing,
 17 created by 2-15-1605;
 18 ~~(j)(i)~~ board of morticians, department of professional
 19 and occupational licensing, created by 2-15-1619;
 20 ~~(k)(j)~~ board of nursing, department of professional
 21 and occupational licensing, created by 2-15-1610;
 22 ~~(l)(k)~~ board of nursing home administrators,
 23 department of professional and occupational licensing,
 24 created by 2-15-1611;
 25 ~~(m)(l)~~ board of optometrists, department of

1 professional and occupational licensing, created by
 2 2-15-1612;
 3 ~~(n)(m)~~ board of osteopathic physicians, department of
 4 professional and occupational licensing, created by
 5 2-15-1607;
 6 ~~(o)(n)~~ board of pharmacists, department of
 7 professional and occupational licensing, created by
 8 2-15-1609;
 9 ~~(p)(o)~~ board of podiatry examiners, department of
 10 professional and occupational licensing, created by
 11 2-15-1608;
 12 ~~(q)(p)~~ board of psychologists, department of
 13 professional and occupational licensing, created by
 14 2-15-1617;
 15 ~~(r)(q)~~ board of radiologic technologists, department
 16 of professional and occupational licensing, created by
 17 2-15-1614;
 18 ~~(s)(r)~~ board of speech pathologists and audiologists,
 19 department of professional and occupational licensing,
 20 created by 2-15-1615;
 21 ~~(t)(s)~~ board of veterinarians, department of
 22 professional and occupational licensing, created by
 23 2-15-1618;
 24 ~~(u)(t)~~ board of veterans' affairs, department of
 25 social and rehabilitation services, created by 2-15-2202;

1 ~~(v)~~(u) board of sanitarians, department of
2 professional and occupational licensing, created by
3 2-15-1631.

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

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

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

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

12 (d) board of livestock, department of livestock,
13 created by 2-15-3102;

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

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

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

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

22 (i) board of water and wastewater operators,
23 department of health and environmental sciences, created by
24 2-15-2105;

25 (j) board of water well contractors, department of

1 professional and occupational licensing, created by
2 2-15-1632.

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

4 (a) the board of public accountants, created by
5 2-15-1641;

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

7 (c) state banking board, department of business
8 regulation, created by 2-15-1803;

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

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

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

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

17 (h) the board of landscape architects, created by
18 2-15-1652;

19 (i) the board of county printing, created by
20 2-15-1102;

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

22 (k) board of physical therapy examiners, created by
23 2-15-1628.

24 ~~(5) The following agency terminates on July 1, 1987:~~
25 ~~the board of cosmetologists, department of professional and~~

1 occupational licensing, created by 2-15-1626."

2 Section 3. Section 2-15-1626, MCA, is amended to read:

3 "2-15-1626. Board of cosmetologists. (1) There is a
4 board of cosmetologists.

5 (2) The board consists of ~~three members who may be~~
6 ~~appointed by the governor from a list of six persons~~
7 ~~recommended by the Montana state hairdressers' association~~
8 three licensed cosmetologists and one public member who is
9 not engaged in the practice of cosmetology or electrology.

10 Each licensed cosmetologist member appointed shall have
11 actively engaged in the profession of cosmetology for at
12 least 5 years before his appointment and have been a
13 resident of this state for at least 5 years immediately
14 before his appointment. Each member shall be at least 18
15 years old and a graduate of a high school or its equivalent.
16 No two members of the board may be members of or affiliated
17 with a school of cosmetology.

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

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

21 Section 4. Section 37-31-302, MCA, is amended to read:

22 "37-31-302. License required to practice, teach, or
23 operate shop or school. (1) No person may practice or teach
24 cosmetology without a license.

25 (2) No place may be used or maintained for the

1 teaching of cosmetology for compensation except under a
2 certificate of registration.

3 (3) No person may operate, manage, or conduct a beauty
4 shop or school and teach the art or practice without a
5 manager-operator license. ~~No manager-operator license may~~
6 ~~be issued unless the applicant has been actively engaged in~~
7 ~~or teaching the practice of cosmetology in this state for a~~
8 ~~period of 1 year preceding the application in addition to~~
9 ~~possessing the other requirements for a practitioner or~~
10 ~~teacher of cosmetology.~~

11 (4) A person, firm, partnership, or corporation
12 desiring to operate a cosmetological establishment shall
13 make an application to the department for a certificate of
14 registration and license. The application shall be
15 accompanied by the annual registration fee.

16 (5) No license may be issued until the inspection fees
17 required in 37-31-312 have been paid."

18 Section 5. Section 37-31-305, MCA, is amended to read:

19 "37-31-305. Qualifications of applicants for license
20 to teach. Before an applicant may take an examination to
21 obtain a license as a teacher of cosmetology, he must:

22 (1) be a graduate of high school or possess an
23 equivalent of a high school diploma recognized by the
24 superintendent of public instruction; and

25 (2) (a) have ~~an operator's~~ a license to practice

1 cosmetology issued by the department, been actively engaged
 2 as a beauty operator for 1 continuous year immediately prior
 3 to taking the examination, and have received a diploma from
 4 a registered school of cosmetology approved by the board,
 5 certifying satisfactory completion of 500 hours of student
 6 teacher training; or

7 (b) have been actively engaged as a beauty operator
 8 for 3 continuous years immediately prior to taking the
 9 teachers' examination."

10 Section 6. Section 37-31-306, MCA, is amended to read:

11 "37-31-306. Reciprocity. A person who is licensed to
 12 practice cosmetology or is licensed as a manager-operator in
 13 another state may be eligible for reciprocity licensing in
 14 this state if he fulfills the requirements of this chapter
 15 and the rules adopted under it, other than those relating to
 16 examination. However, he may be licensed without examination
 17 only if the state in which he is licensed grants the same
 18 privilege to persons licensed in this state who seek
 19 licensure as cosmetologists or manager-operators in that
 20 state."

21 Section 7. Section 37-31-307, MCA, is amended to read:

22 "37-31-307. Temporary license pending examination. The
 23 board may authorize the department to grant to a graduate of
 24 a registered school of any state, on the payment of the fee
 25 prescribed by law, a temporary license authorizing the

1 graduate to practice ~~as an operator~~ under the supervision of
 2 a licensed cosmetologist in the practice of hairdressing and
 3 beauty culture for a period of not to exceed 90 days or
 4 until the next examination is held by the department and the
 5 results are announced. No temporary license may be issued
 6 except on the presentation by the applicant of a certificate
 7 of graduation from such a registered school. The temporary
 8 licenses are not renewable."

9 Section 8. Section 37-31-308, MCA, is amended to read:

10 "37-31-308. Examination -- reexamination -- exemption
 11 for handicapped persons. (1) Examinations for ~~operator's~~ a
 12 license to practice shall be held at a place and time
 13 specified by the board at least two times a year and not
 14 more than five times a year and for teacher's license once
 15 each year. The examinations shall be conducted by the
 16 department, subject to 37-1-101. The examinations may not
 17 be confined to a specific method or system.

18 (2) Anyone failing twice to pass an examination may
 19 not apply to retake the examination:

20 (a) sooner than 6 months after the date of the second
 21 failure; or

22 (b) until he has taken 200 hours additional teacher
 23 training at a registered school of cosmetology approved by
 24 the board.

25 (3) Physically handicapped persons trained for

1 cosmetology by the department of social and rehabilitation
 2 services shall, for a period of 1 year immediately following
 3 their graduation, be exempt from the examination and the
 4 fees described in 37-31-323. On certification from the
 5 department of social and rehabilitation services that a
 6 department of social and rehabilitation services beneficiary
 7 has successfully completed the required apprenticeship or
 8 training in a shop or beauty school, the department shall
 9 issue the person the necessary certificate or license to
 10 practice the profession in this state."

11 Section 9. Section 37-31-312, MCA, is amended to read:

12 "37-31-312. Inspection. (1) The department shall
 13 appoint one or more inspectors who are licensed to practice
 14 under this chapter, each of whom shall devote his time to
 15 inspecting beauty parlors and performing other duties as the
 16 department may direct. The inspectors may enter a beauty
 17 parlor or school of cosmetology during business hours for
 18 the purpose of inspection, and the refusal of a licensee to
 19 permit the inspection during business hours is cause for
 20 revocation of the license.

21 (2) Upon application for a license, any cosmetological
 22 establishment must pay an initial inspection fee of \$25.

23 (3) The board may authorize the department to grant to
 24 a cosmetological establishment, upon payment of the initial
 25 inspection fee, a temporary permit authorizing the

1 cosmetological establishment to operate for a period of not
 2 to exceed 90 days or until the inspector is able to make the
 3 inspection, whichever event occurs first. This temporary
 4 permit is not renewable.

5 ~~(4) The board shall conduct an annual inspection of~~
 6 ~~each cosmetology establishment in the state."~~

7 Section 10. Section 37-31-323, MCA, is amended to
 8 read:

9 "37-31-323. Fees. (1) Fees for licenses and
 10 certificates of registration shall be paid to the department
 11 not to exceed the following respective amounts prescribed by
 12 the board:

13 (a) A student enrolling in a registered cosmetology
 14 school shall pay a registration fee of \$7 to the department.

15 (b) An applicant for examination to practice shall pay
 16 a fee of \$40 at the time of the application.

17 (c) An applicant for examination who is a graduate
 18 from a cosmetology school of this state may pay a fee of \$8
 19 for a temporary license to practice as an operator.

20 (d) An applicant for examination to teach shall pay a
 21 fee of \$60 at the time of the application.

22 ~~(e) A person practicing cosmetology as an operator~~
 23 ~~shall pay a fee of \$12 for the issuance of a license.~~

24 ~~(f)~~(e) An applicant for a manager-operator license
 25 shall pay a fee of \$20 for the issuance of a license.

1 ~~(g)(f)~~ An applicant for an itinerant license as a
2 cosmetologist shall pay a fee of \$100.

3 ~~(h)(g)~~ A person, firm, partnership, or corporation
4 owning, operating, or conducting a cosmetological salon
5 shall pay the sum of \$20 for the issuance of the certificate
6 of registration.

7 ~~(i)(h)~~ A person teaching or instructing cosmetology
8 shall pay a fee of \$20 for the issuance of a license.

9 ~~(j)(i)~~ A person, firm, partnership, or corporation
10 owning, operating, or conducting a school of cosmetology
11 shall pay the sum of \$100 for a certificate of registration.

12 ~~(k)(j)~~ A person, firm, partnership, or corporation
13 owning, operating, or conducting an advanced school of
14 cosmetology shall pay the sum of \$100 for a certificate of
15 registration.

16 ~~(l)(k)~~ A person, firm, partnership, or corporation
17 owning, operating, or conducting a teacher-training unit in
18 a school of cosmetology shall pay the sum of \$100 for a
19 certificate of registration.

20 ~~(m)(l)~~ An applicant for reciprocity licensure shall
21 pay a fee of \$100.

22 ~~(n)(m)~~ Duplicate licenses or certificates of
23 registration shall be issued on payment of \$4 and proof of
24 necessity.

25 (2) The license and registration fees shall be paid

1 annually, unless otherwise provided by board rule, in
2 advance to the department.

3 (3) No other or additional license or registration fee
4 may be imposed by a municipal corporation or other political
5 subdivision of this state for the practice or teaching of
6 cosmetology."

7 Section 11. Section 37-32-103, MCA, is amended to
8 read:

9 *37-32-103. Exemptions. Nothing in this chapter
10 prevents*

11 ~~(1)~~ a licensed medical doctor from performing the work
12 of an electrologist,

13 ~~(2)---a-person-employed-by---a---federel---statey---county~~
14 ~~city,---or---other---political---subdivision---or---by---an---educational---or~~
15 ~~charitable---institution---from---performing---the---work---of---an~~
16 ~~electrologist.~~"

17 Section 12. Effective date. This act is effective on
18 passage and approval.

-End-

STATE OF MONTANA

REQUEST NO. 333-81

FISCAL NOTE

Form BD-15

In compliance with a written request received February 9, 19 81, there is hereby submitted a Fiscal Note for Senate Bill 406 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation

An act to reestablish the Board of Cosmetologists under existing statutory authority and rules and to generally revise the cosmetologist licensing laws; modifying the board makeup; requiring an annual inspection of cosmetological facilities; eliminating the one-year experience requirement for a manager-operator; deleting some exemptions from licensing; providing for reciprocal licensing of manager-operators; removing the public employees exemption from licensure as an electrologist.

Assumptions

1. That there are licensed 1,494 operators, 2,855 manager-operators, 781 salons, 85 instructors, 11 electrologists, 9 electrolysis salons, and 13 schools.
2. Assume 4 board members meet and conduct exams 4 times a year for a total of 64 meeting days, will increase board compensation \$300 and \$800 for travel for an additional fourth board member.
3. Most cosmetology establishments are now inspected twice a year. The bill requires annual inspection of all but does not preclude more frequent inspection. Assume that inspection travel will decrease somewhat but not be reduced by half.

| <u>Fiscal Impact</u> | <u>FY 1982</u> | <u>FY 1983</u> |
|---|----------------|----------------|
| Travel and per diem for additional board member | \$1,100 | \$1,100 |
| Decrease inspection costs | <u>2,000</u> | <u>2,000</u> |
| Net Savings (Earmarked Funds) | \$ 900 | \$ 900 |



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: 2-13-81

Approved by Committee
on Public Health,
Safety and Welfare

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INTRODUCED BY Sen. Steve Brown BILL NO. 406

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE BOARD OF COSMETOLOGISTS UNDER EXISTING STATUTORY AUTHORITY AND RULES AND TO GENERALLY REVISE THE COSMETOLOGIST LICENSING LAWS; MODIFYING THE BOARD MAKEUP; REQUIRING AN ANNUAL INSPECTION OF COSMETOLOGICAL FACILITIES; ELIMINATING THE ONE-YEAR EXPERIENCE REQUIREMENT FOR A MANAGER-OPERATOR; DELETING SOME EXEMPTIONS FROM LICENSING; PROVIDING FOR RECIPROCAL LICENSING OF MANAGER-OPERATORS; REMOVING THE PUBLIC EMPLOYEES EXEMPTION FROM LICENSURE AS AN ELECTROLOGIST; AMENDING SECTIONS 2-8-103, 2-15-1626, 37-31-302, 37-31-305 THROUGH 37-31-308, 37-31-312, 37-31-323, AND 37-32-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, the sunset law, sections 2-8-103 and 2-8-112, MCA, terminates the Board of Cosmetologists and requires a performance evaluation of the Board by the Legislative Audit Committee; and

WHEREAS, as a result of the performance evaluation, the Legislative Audit Committee recommends that the Board of Cosmetologists be reestablished under existing statutory

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authority.

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

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

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9 not engaged in the practice of cosmetology or electrology.

10 Each licensed cosmetologist member appointed shall have
11 actively engaged in the profession of cosmetology for at
12 least 5 years before his appointment and have been a
13 resident of this state for at least 5 years immediately
14 before his appointment. Each member shall be at least 18
15 years old and a graduate of a high school or its equivalent.
16 No two members of the board may be members of or affiliated
17 with a school of cosmetology.

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

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

21 Section 4. Section 37-31-302, MCA, is amended to read:

22 "37-31-302. License required to practice, teach, or
23 operate shop or school. (1) No person may practice or teach
24 cosmetology without a license.

25 (2) No place may be used or maintained for the

1 teaching of cosmetology for compensation except under a
2 certificate of registration.

3 (3) No person may operate, manage, or conduct a beauty
4 shop or school and teach the art or practice without a
5 manager-operator license. ~~No manager-operator license may~~
6 ~~be issued unless the applicant has been actively engaged in~~
7 ~~or teaching the practice of cosmetology in this state for a~~
8 ~~period of 1 year preceding the application in addition to~~
9 ~~possessing the other requirements for a practitioner or~~
10 ~~teacher of cosmetology.~~

11 (4) A person, firm, partnership, or corporation
12 desiring to operate a cosmetological establishment shall
13 make an application to the department for a certificate of
14 registration and license. The application shall be
15 accompanied by the annual registration fee.

16 (5) No license may be issued until the inspection fees
17 required in 37-31-312 have been paid."

18 Section 5. Section 37-31-305, MCA, is amended to read:

19 "37-31-305. Qualifications of applicants for license
20 to teach. Before an applicant may take an examination to
21 obtain a license as a teacher of cosmetology, he must:

22 (1) be a graduate of high school or possess an
23 equivalent of a high school diploma recognized by the
24 superintendent of public instruction; and

25 (2) (a) have ~~an operator's~~ a license to practice

1 cosmetology issued by the department, been actively engaged
2 as a beauty operator for 1 continuous year immediately prior
3 to taking the examination, and have received a diploma from
4 a registered school of cosmetology approved by the board,
5 certifying satisfactory completion of 500 hours of student
6 teacher training; or

7 (b) have been actively engaged as a beauty operator
8 for 3 continuous years immediately prior to taking the
9 teachers' examination."

10 Section 6. Section 37-31-306, MCA, is amended to read:

11 "37-31-306. Reciprocity. A person who is licensed to
12 practice cosmetology or is licensed as a manager-operator in
13 another state may be eligible for reciprocity licensing in
14 this state if he fulfills the requirements of this chapter
15 and the rules adopted under it, other than those relating to
16 examination. However, he may be licensed without examination
17 only if the state in which he is licensed grants the same
18 privilege to persons licensed in this state who seek
19 licensure as cosmetologists or manager-operators in that
20 state."

21 Section 7. Section 37-31-307, MCA, is amended to read:

22 "37-31-307. Temporary license pending examination. The
23 board may authorize the department to grant to a graduate of
24 a registered school of any state, on the payment of the fee
25 prescribed by law, a temporary license authorizing the

1 graduate to practice ~~as an operator~~ under the supervision of
2 a licensed cosmetologist in the practice of hairdressing and
3 beauty culture for a period of not to exceed 90 days or
4 until the next examination is held by the department and the
5 results are announced. No temporary license may be issued
6 except on the presentation by the applicant of a certificate
7 of graduation from such a registered school. The temporary
8 licenses are not renewable."

9 Section 8. Section 37-31-308, MCA, is amended to read:

10 "37-31-308. Examination -- reexamination -- exemption
11 for handicapped persons. (1) Examinations for ~~operator's~~ a
12 license to practice shall be held at a place and time
13 specified by the board at least two times a year and not
14 more than five times a year and for teacher's license once
15 each year. The examinations shall be conducted by the
16 department, subject to 37-1-101. The examinations may not
17 be confined to a specific method or system.

18 (2) Anyone failing twice to pass an examination may
19 not apply to retake the examination:

20 (a) sooner than 6 months after the date of the second
21 failure; or

22 (b) until he has taken 200 hours additional teacher
23 training at a registered school of cosmetology approved by
24 the board.

25 (3) Physically handicapped persons trained for

1 cosmetology by the department of social and rehabilitation
 2 services shall, for a period of 1 year immediately following
 3 their graduation, be exempt from the examination and the
 4 fees described in 37-31-323. On certification from the
 5 department of social and rehabilitation services that a
 6 department of social and rehabilitation services beneficiary
 7 has successfully completed the required apprenticeship or
 8 training in a shop or beauty school, the department shall
 9 issue the person the necessary certificate or license to
 10 practice the profession in this state."

11 Section 9. Section 37-31-312, MCA, is amended to read:

12 "37-31-312. Inspection. (1) The department shall
 13 appoint one or more inspectors who are licensed to practice
 14 under this chapter, each of whom shall devote his time to
 15 inspecting beauty parlors and performing other duties as the
 16 department may direct. The inspectors may enter a beauty
 17 parlor or school of cosmetology during business hours for
 18 the purpose of inspection, and the refusal of a licensee to
 19 permit the inspection during business hours is cause for
 20 revocation of the license.

21 (2) Upon application for a license, any cosmetological
 22 establishment must pay an initial inspection fee of \$25.

23 (3) The board may authorize the department to grant to
 24 a cosmetological establishment, upon payment of the initial
 25 inspection fee, a temporary permit authorizing the

1 cosmetological establishment to operate for a period of not
 2 to exceed 90 days or until the inspector is able to make the
 3 inspection, whichever event occurs first. This temporary
 4 permit is not renewable.

5 ~~(4) The board shall conduct an annual inspection of~~
 6 ~~each cosmetology establishment in the state."~~

7 Section 10. Section 37-31-323, MCA, is amended to
 8 read:

9 "37-31-323. Fees. (1) Fees for licenses and
 10 certificates of registration shall be paid to the department
 11 not to exceed the following respective amounts prescribed by
 12 the board:

13 (a) A student enrolling in a registered cosmetology
 14 school shall pay a registration fee of \$7 to the department.

15 (b) An applicant for examination to practice shall pay
 16 a fee of \$40 at the time of the application.

17 (c) An applicant for examination who is a graduate
 18 from a cosmetology school of this state may pay a fee of \$8
 19 for a temporary license to practice as an operator.

20 (d) An applicant for examination to teach shall pay a
 21 fee of \$60 at the time of the application.

22 ~~(e) A person practicing cosmetology as an operator~~
 23 ~~shall pay a fee of \$12 for the issuance of a license.~~

24 ~~(f)~~(e) An applicant for a manager-operator license
 25 shall pay a fee of \$20 for the issuance of a license.

1 ~~(g)~~(f) An applicant for an itinerant license as a
2 cosmetologist shall pay a fee of \$100.

3 ~~(h)~~(g) A person, firm, partnership, or corporation
4 owning, operating, or conducting a cosmetological salon
5 shall pay the sum of \$20 for the issuance of the certificate
6 of registration.

7 ~~(i)~~(h) A person teaching or instructing cosmetology
8 shall pay a fee of \$20 for the issuance of a license.

9 ~~(j)~~(i) A person, firm, partnership, or corporation
10 owning, operating, or conducting a school of cosmetology
11 shall pay the sum of \$100 for a certificate of registration.

12 ~~(k)~~(j) A person, firm, partnership, or corporation
13 owning, operating, or conducting an advanced school of
14 cosmetology shall pay the sum of \$100 for a certificate of
15 registration.

16 ~~(l)~~(k) A person, firm, partnership, or corporation
17 owning, operating, or conducting a teacher-training unit in
18 a school of cosmetology shall pay the sum of \$100 for a
19 certificate of registration.

20 ~~(m)~~(l) An applicant for reciprocity licensure shall
21 pay a fee of \$100.

22 ~~(n)~~(m) Duplicate licenses or certificates of
23 registration shall be issued on payment of \$4 and proof of
24 necessity.

25 (2) The license and registration fees shall be paid

1 annually, unless otherwise provided by board rule, in
2 advance to the department.

3 (3) No other or additional license or registration fee
4 may be imposed by a municipal corporation or other political
5 subdivision of this state for the practice or teaching of
6 cosmetology."

7 Section 11. Section 37-32-103, MCA, is amended to
8 read:

9 "37-32-103. Exemptions. Nothing in this chapter
10 prevents*

11 ~~(1)~~ a licensed medical doctor from performing the work
12 of an electrologist,

13 ~~(2) a person employed by a federal, state, county,~~
14 ~~city, or other political subdivision or by an educational or~~
15 ~~charitable institution from performing the work of an~~
16 ~~electrologist."~~

17 Section 12. Effective date. This act is effective on
18 passage and approval.

-End-

1 *Senate* BILL NO. *406*
 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 COSMETOLOGISTS UNDER EXISTING STATUTORY AUTHORITY
 7 AND RULES AND TO GENERALLY REVISE THE COSMETOLOGIST
 8 LICENSING LAWS; MODIFYING THE BOARD MAKEUP; REQUIRING AN
 9 ANNUAL INSPECTION OF COSMETOLOGICAL FACILITIES; ELIMINATING
 10 THE ONE-YEAR EXPERIENCE REQUIREMENT FOR A MANAGER-OPERATOR;
 11 DELETING SOME EXEMPTIONS FROM LICENSING; PROVIDING FOR
 12 RECIPROCAL LICENSING OF MANAGER-OPERATORS; REMOVING THE
 13 PUBLIC EMPLOYEES EXEMPTION FROM LICENSURE AS AN
 14 ELECTROLOGIST; AMENDING SECTIONS 2-8-103, 2-15-1626,
 15 37-31-302, 37-31-305 THROUGH 37-31-308, 37-31-312,
 16 37-31-323, AND 37-32-103, MCA; AND PROVIDING AN IMMEDIATE
 17 EFFECTIVE DATE."

18
 19 WHEREAS, the sunset law, sections 2-8-103 and 2-8-112,
 20 MCA, terminates the Board of Cosmetologists and requires a
 21 performance evaluation of the Board by the Legislative Audit
 22 Committee; and

23 WHEREAS, as a result of the performance evaluation, the
 24 Legislative Audit Committee recommends that the Board of
 25 Cosmetologists be reestablished under existing statutory

1 authority.

2
 3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

4 Section 1. Reestablishment. The board of
 5 cosmetologists is reestablished for 6 years pursuant to
 6 2-8-122 with its existing statutory authority and rules.

7 Section 2. Section 2-8-103, MCA, is amended to read:
 8 "2-8-103. Agencies to terminate. (1) The following
 9 agencies shall terminate on July 1, 1979:

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

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

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

17 (d) board of institutions, department of institutions,
 18 created by 2-15-2303.

19 (2) The following agencies shall terminate on July 1,
 20 1981:

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

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

25 (c) board of barbers, department of professional and

1 occupational licensing, created by 2-15-1625;
 2 (d) board of chiropractors, department of professional
 3 and occupational licensing, created by 2-15-1613;
 4 ~~(e) board of cosmetologists, department of~~
 5 ~~professional and occupational licensing, created by~~
 6 ~~2-15-1626;~~
 7 (f)(g) board of dentists, department of professional
 8 and occupational licensing, created by 2-15-1606;
 9 (g)(f) board of hearing aid dispensers, department of
 10 professional and occupational licensing, created by
 11 2-15-1616;
 12 (h)(g) board of massage therapists, department of
 13 professional and occupational licensing, created by
 14 2-15-1627;
 15 (i)(h) Montana state board of medical examiners,
 16 department of professional and occupational licensing,
 17 created by 2-15-1605;
 18 (j)(i) board of morticians, department of professional
 19 and occupational licensing, created by 2-15-1619;
 20 (k)(j) board of nursing, department of professional
 21 and occupational licensing, created by 2-15-1610;
 22 (l)(k) board of nursing home administrators,
 23 department of professional and occupational licensing,
 24 created by 2-15-1611;
 25 (m)(l) board of optometrists, department of

1 professional and occupational licensing, created by
 2 2-15-1612;
 3 (n)(m) board of osteopathic physicians, department of
 4 professional and occupational licensing, created by
 5 2-15-1607;
 6 (o)(n) board of pharmacists, department of
 7 professional and occupational licensing, created by
 8 2-15-1609;
 9 (p)(o) board of podiatry examiners, department of
 10 professional and occupational licensing, created by
 11 2-15-1608;
 12 (q)(p) board of psychologists, department of
 13 professional and occupational licensing, created by
 14 2-15-1617;
 15 (r)(q) board of radiologic technologists, department
 16 of professional and occupational licensing, created by
 17 2-15-1614;
 18 (s)(r) board of speech pathologists and audiologists,
 19 department of professional and occupational licensing,
 20 created by 2-15-1615;
 21 (t)(s) board of veterinarians, department of
 22 professional and occupational licensing, created by
 23 2-15-1618;
 24 (u)(t) board of veterans' affairs, department of
 25 social and rehabilitation services, created by 2-15-2202;

1 ~~(v)(u)~~ board of sanitarians, department of
2 professional and occupational licensing, created by
3 2-15-1631.

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

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

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

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

12 (d) board of livestock, department of livestock,
13 created by 2-15-3102;

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

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

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

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

22 (i) board of water and wastewater operators,
23 department of health and environmental sciences, created by
24 2-15-2105;

25 (j) board of water well contractors, department of

1 professional and occupational licensing, created by
2 2-15-1632.

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

4 (a) the board of public accountants, created by
5 2-15-1641;

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

7 (c) state banking board, department of business
8 regulation, created by 2-15-1803;

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

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

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

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

17 (h) the board of landscape architects, created by
18 2-15-1652;

19 (i) the board of county printing, created by
20 2-15-1102;

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

22 (k) board of physical therapy examiners, created by
23 2-15-1628.

24 (5) The following agency terminates on July 1, 1987:
25 the board of cosmetologists, department of professional and

1 occupational licensing, created by 2-15-1626."

2 Section 3. Section 2-15-1626, MCA, is amended to read:

3 "2-15-1626. Board of cosmetologists. (1) There is a
4 board of cosmetologists.

5 (2) The board consists of ~~three members who may be~~
6 ~~appointed by the governor from a list of six persons~~
7 ~~recommended by the Montana state hairdressers' association~~
8 ~~three licensed cosmetologists and one public member who is~~
9 ~~not engaged in the practice of cosmetology or electrology.~~

10 Each licensed cosmetologist member appointed shall have
11 actively engaged in the profession of cosmetology for at
12 least 5 years before his appointment and have been a
13 resident of this state for at least 5 years immediately
14 before his appointment. Each member shall be at least 18
15 years old and a graduate of a high school or its equivalent.
16 No two members of the board may be members of or affiliated
17 with a school of cosmetology.

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

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

21 Section 4. Section 37-31-302, MCA, is amended to read:

22 "37-31-302. License required to practice, teach, or
23 operate shop or school. (1) No person may practice or teach
24 cosmetology without a license.

25 (2) No place may be used or maintained for the

1 teaching of cosmetology for compensation except under a
2 certificate of registration.

3 (3) No person may operate, manage, or conduct a beauty
4 shop or school and teach the art or practice without a
5 manager-operator license. ~~No manager-operator license may~~
6 ~~be issued unless the applicant has been actively engaged in~~
7 ~~or teaching the practice of cosmetology in this state for a~~
8 ~~period of 1 year preceding the application in addition to~~
9 ~~possessing the other requirements for a practitioner or~~
10 ~~teacher of cosmetology.~~

11 (4) A person, firm, partnership, or corporation
12 desiring to operate a cosmetological establishment shall
13 make an application to the department for a certificate of
14 registration and license. The application shall be
15 accompanied by the annual registration fee.

16 (5) No license may be issued until the inspection fees
17 required in 37-31-312 have been paid."

18 Section 5. Section 37-31-305, MCA, is amended to read:

19 "37-31-305. Qualifications of applicants for license
20 to teach. Before an applicant may take an examination to
21 obtain a license as a teacher of cosmetology, he must:

22 (1) be a graduate of high school or possess an
23 equivalent of a high school diploma recognized by the
24 superintendent of public instruction; and

25 (2) (a) have ~~an operator's~~ a license to practice

1 cosmetology issued by the department, been actively engaged
2 as a beauty operator for 1 continuous year immediately prior
3 to taking the examination, and have received a diploma from
4 a registered school of cosmetology approved by the board,
5 certifying satisfactory completion of 500 hours of student
6 teacher training; or

7 (b) have been actively engaged as a beauty operator
8 for 3 continuous years immediately prior to taking the
9 teachers' examination."

10 Section 6. Section 37-31-306, MCA, is amended to read:

11 "37-31-306. Reciprocity. A person who is licensed to
12 practice cosmetology or is licensed as a manager-operator in
13 another state may be eligible for reciprocity licensing in
14 this state if he fulfills the requirements of this chapter
15 and the rules adopted under it, other than those relating to
16 examination. However, he may be licensed without examination
17 only if the state in which he is licensed grants the same
18 privilege to persons licensed in this state who seek
19 licensure as cosmetologists or manager-operators in that
20 state."

21 Section 7. Section 37-31-307, MCA, is amended to read:

22 "37-31-307. Temporary license pending examination. The
23 board may authorize the department to grant to a graduate of
24 a registered school of any state, on the payment of the fee
25 prescribed by law, a temporary license authorizing the

1 graduate to practice ~~as an operator~~ under the supervision of
2 a licensed cosmetologist in the practice of hairdressing and
3 beauty culture for a period of not to exceed 90 days or
4 until the next examination is held by the department and the
5 results are announced. No temporary license may be issued
6 except on the presentation by the applicant of a certificate
7 of graduation from such a registered school. The temporary
8 licenses are not renewable."

9 Section 8. Section 37-31-308, MCA, is amended to read:

10 "37-31-308. Examination -- reexamination -- exemption
11 for handicapped persons. (1) Examinations for ~~operator's~~ a
12 license to practice shall be held at a place and time
13 specified by the board at least two times a year and not
14 more than five times a year and for teacher's license once
15 each year. The examinations shall be conducted by the
16 department, subject to 37-1-101. The examinations may not
17 be confined to a specific method or system.

18 (2) Anyone failing twice to pass an examination may
19 not apply to retake the examination:

20 (a) sooner than 6 months after the date of the second
21 failure; or

22 (b) until he has taken 200 hours additional teacher
23 training at a registered school of cosmetology approved by
24 the board.

25 (3) Physically handicapped persons trained for

1 cosmetology by the department of social and rehabilitation
 2 services shall, for a period of 1 year immediately following
 3 their graduation, be exempt from the examination and the
 4 fees described in 37-31-323. On certification from the
 5 department of social and rehabilitation services that a
 6 department of social and rehabilitation services beneficiary
 7 has successfully completed the required apprenticeship or
 8 training in a shop or beauty school, the department shall
 9 issue the person the necessary certificate or license to
 10 practice the profession in this state."

11 Section 9. Section 37-31-312, MCA, is amended to read:

12 "37-31-312. Inspection. (1) The department shall
 13 appoint one or more inspectors who are licensed to practice
 14 under this chapter, each of whom shall devote his time to
 15 inspecting beauty parlors and performing other duties as the
 16 department may direct. The inspectors may enter a beauty
 17 parlor or school of cosmetology during business hours for
 18 the purpose of inspection, and the refusal of a licensee to
 19 permit the inspection during business hours is cause for
 20 revocation of the license.

21 (2) Upon application for a license, any cosmetological
 22 establishment must pay an initial inspection fee of \$25.

23 (3) The board may authorize the department to grant to
 24 a cosmetological establishment, upon payment of the initial
 25 inspection fee, a temporary permit authorizing the

1 cosmetological establishment to operate for a period of not
 2 to exceed 90 days or until the inspector is able to make the
 3 inspection, whichever event occurs first. This temporary
 4 permit is not renewable.

5 ~~(4) The board shall conduct an annual inspection of~~
 6 ~~each cosmetology establishment in the state."~~

7 Section 10. Section 37-31-323, MCA, is amended to
 8 read:

9 "37-31-323. Fees. (1) Fees for licenses and
 10 certificates of registration shall be paid to the department
 11 not to exceed the following respective amounts prescribed by
 12 the board:

13 (a) A student enrolling in a registered cosmetology
 14 school shall pay a registration fee of \$7 to the department.

15 (b) An applicant for examination to practice shall pay
 16 a fee of \$40 at the time of the application.

17 (c) An applicant for examination who is a graduate
 18 from a cosmetology school of this state may pay a fee of \$8
 19 for a temporary license to practice as an operator.

20 (d) An applicant for examination to teach shall pay a
 21 fee of \$60 at the time of the application.

22 ~~(e) A person practicing cosmetology as an operator~~
 23 ~~shall pay a fee of \$12 for the issuance of a license.~~

24 ~~(f) An applicant for a manager-operator license~~
 25 shall pay a fee of \$20 for the issuance of a license.

1 (g)(f) An applicant for an itinerant license as a
2 cosmetologist shall pay a fee of \$100.

3 (h)(g) A person, firm, partnership, or corporation
4 owning, operating, or conducting a cosmetological salon
5 shall pay the sum of \$20 for the issuance of the certificate
6 of registration.

7 (i)(h) A person teaching or instructing cosmetology
8 shall pay a fee of \$20 for the issuance of a license.

9 (j)(i) A person, firm, partnership, or corporation
10 owning, operating, or conducting a school of cosmetology
11 shall pay the sum of \$100 for a certificate of registration.

12 (k)(j) A person, firm, partnership, or corporation
13 owning, operating, or conducting an advanced school of
14 cosmetology shall pay the sum of \$100 for a certificate of
15 registration.

16 (l)(k) A person, firm, partnership, or corporation
17 owning, operating, or conducting a teacher-training unit in
18 a school of cosmetology shall pay the sum of \$100 for a
19 certificate of registration.

20 (m)(l) An applicant for reciprocity licensure shall
21 pay a fee of \$100.

22 (n)(m) Duplicate licenses or certificates of
23 registration shall be issued on payment of \$4 and proof of
24 necessity.

25 (2) The license and registration fees shall be paid

1 annually, unless otherwise provided by board rule, in
2 advance to the department.

3 (3) No other or additional license or registration fee
4 may be imposed by a municipal corporation or other political
5 subdivision of this state for the practice or teaching of
6 cosmetology.*

7 Section 11. Section 37-32-103, MCA, is amended to
8 read:

9 *37-32-103. Exemptions. Nothing in this chapter
10 prevents*

11 (1) a licensed medical doctor from performing the work
12 of an electrologist,

13 (2) ~~a person employed by a federal, state, county,~~
14 ~~city, or other political subdivision or by an educational or~~
15 ~~charitable institution from performing the work of an~~
16 ~~electrologist.*~~

17 Section 12. Effective date. This act is effective on
18 passage and approval.

-End-

SB 406

1 SENATE BILL NO. 406

2 INTRODUCED BY HIMSL, S. 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 COSMETOLOGISTS UNDER EXISTING STATUTORY AUTHORITY
7 AND RULES AND TO GENERALLY REVISE THE COSMETOLOGIST
8 LICENSING LAWS; MODIFYING THE BOARD MAKEUP; REQUIRING AN
9 ANNUAL INSPECTION OF COSMETOLOGICAL FACILITIES; ELIMINATING
10 THE ONE-YEAR EXPERIENCE REQUIREMENT FOR A MANAGER-OPERATOR;
11 DELETING SOME EXEMPTIONS FROM LICENSING; PROVIDING FOR
12 RECIPROCAL LICENSING OF MANAGER-OPERATORS; REMOVING THE
13 PUBLIC EMPLOYEES EXEMPTION FROM LICENSURE AS AN
14 ELECTROLOGIST; AMENDING SECTIONS 2-8-103, 2-15-1626,
15 37-31-302, 37-31-305 THROUGH 37-31-308, 37-31-312,
16 37-31-323, AND 37-32-103, MCA; AND PROVIDING AN IMMEDIATE
17 EFFECTIVE DATE."
18

19 WHEREAS, the sunset law, sections 2-8-103 and 2-8-112,
20 MCA, terminates the Board of Cosmetologists and requires a
21 performance evaluation of the Board by the Legislative Audit
22 Committee; and

23 WHEREAS, as a result of the performance evaluation, the
24 Legislative Audit Committee recommends that the Board of
25 Cosmetologists be reestablished under existing statutory

1 authority.

2
3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

4 Section 1. Reestablishment. The board of
5 cosmetologists is reestablished for 6 years pursuant to
6 2-8-122 with its existing statutory authority and rules.

7 Section 2. Section 2-8-103, MCA, is amended to read:
8 "2-8-103. Agencies to terminate. (1) The following
9 agencies shall terminate on July 1, 1979:

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

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

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

17 (d) board of institutions, department of institutions,
18 created by 2-15-2303.

19 (2) The following agencies shall terminate on July 1,
20 1981:

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

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

25 (c) board of barbers, department of professional and

1 occupational licensing, created by 2-15-1625;
 2 (d) board of chiropractors, department of professional
 3 and occupational licensing, created by 2-15-1613;
 4 ~~(e) board of cosmetologists, department of~~
 5 ~~professional and occupational licensing, created by~~
 6 ~~2-15-1626;~~
 7 (f)(e) board of dentists, department of professional
 8 and occupational licensing, created by 2-15-1606;
 9 (g)(f) board of hearing aid dispensers, department of
 10 professional and occupational licensing, created by
 11 2-15-1616;
 12 (h)(g) board of massage therapists, department of
 13 professional and occupational licensing, created by
 14 2-15-1627;
 15 (i)(h) Montana state board of medical examiners,
 16 department of professional and occupational licensing,
 17 created by 2-15-1605;
 18 (j)(i) board of morticians, department of professional
 19 and occupational licensing, created by 2-15-1619;
 20 (k)(j) board of nursing, department of professional
 21 and occupational licensing, created by 2-15-1610;
 22 (l)(k) board of nursing home administrators,
 23 department of professional and occupational licensing,
 24 created by 2-15-1611;
 25 (m)(l) board of optometrists, department of

1 professional and occupational licensing, created by
 2 2-15-1612;
 3 (n)(m) board of osteopathic physicians, department of
 4 professional and occupational licensing, created by
 5 2-15-1607;
 6 (o)(n) board of pharmacists, department of
 7 professional and occupational licensing, created by
 8 2-15-1609;
 9 (p)(o) board of podiatry examiners, department of
 10 professional and occupational licensing, created by
 11 2-15-1608;
 12 (q)(p) board of psychologists, department of
 13 professional and occupational licensing, created by
 14 2-15-1617;
 15 (r)(q) board of radiologic technologists, department
 16 of professional and occupational licensing, created by
 17 2-15-1614;
 18 (s)(r) board of speech pathologists and audiologists,
 19 department of professional and occupational licensing,
 20 created by 2-15-1615;
 21 (t)(s) board of veterinarians, department of
 22 professional and occupational licensing, created by
 23 2-15-1618;
 24 (u)(t) board of veterans' affairs, department of
 25 social and rehabilitation services, created by 2-15-2202;

1 ~~(v)~~(u) board of sanitarians, department of
2 professional and occupational licensing, created by
3 2-15-1631.

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

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

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

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

12 (d) board of livestock, department of livestock,
13 created by 2-15-3102;

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

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

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

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

22 (i) board of water and wastewater operators,
23 department of health and environmental sciences, created by
24 2-15-2105;

25 (j) board of water well contractors, department of

1 professional and occupational licensing, created by
2 2-15-1632.

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

4 (a) the board of public accountants, created by
5 2-15-1641;

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

7 (c) state banking board, department of business
8 regulation, created by 2-15-1803;

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

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

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

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

17 (h) the board of landscape architects, created by
18 2-15-1652;

19 (i) the board of county printing, created by
20 2-15-1102;

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

22 (k) board of physical therapy examiners, created by
23 2-15-1628.

24 (5) The following agency terminates on July 1, 1987:
25 the board of cosmetologists, department of professional and

1 occupational licensing, created by 2-15-1626."

2 Section 3. Section 2-15-1626, MCA, is amended to read:

3 "2-15-1626. Board of cosmetologists. (1) There is a
4 board of cosmetologists.

5 (2) The board consists of ~~three members who may be~~
6 ~~appointed by the governor from a list of six persons~~
7 ~~recommended by the Montana state hairdressers' association~~
8 three licensed cosmetologists and one public member who is
9 not engaged in the practice of cosmetology or electrology.

10 Each licensed cosmetologist member appointed shall have
11 actively engaged in the profession of cosmetology for at
12 least 5 years before his appointment and have been a
13 resident of this state for at least 5 years immediately
14 before his appointment. Each member shall be at least 18
15 years old and a graduate of a high school or its equivalent.
16 No two members of the board may be members of or affiliated
17 with a school of cosmetology.

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

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

21 Section 4. Section 37-31-302, MCA, is amended to read:

22 "37-31-302. License required to practice, teach, or
23 operate shop or school. (1) No person may practice or teach
24 cosmetology without a license.

25 (2) No place may be used or maintained for the

1 teaching of cosmetology for compensation except under a
2 certificate of registration.

3 (3) No person may operate, manage, or conduct a beauty
4 shop or school and teach the art or practice without a
5 manager-operator license. ~~No manager-operator license may~~
6 ~~be issued unless the applicant has been actively engaged in~~
7 ~~or teaching the practice of cosmetology in this state for a~~
8 ~~period of 1 year preceding the application in addition to~~
9 ~~possessing the other requirements for a practitioner or~~
10 ~~teacher of cosmetology.~~

11 (4) A person, firm, partnership, or corporation
12 desiring to operate a cosmetological establishment shall
13 make an application to the department for a certificate of
14 registration and license. The application shall be
15 accompanied by the annual registration fee.

16 (5) No license may be issued until the inspection fees
17 required in 37-31-312 have been paid."

18 Section 5. Section 37-31-305, MCA, is amended to read:

19 "37-31-305. Qualifications of applicants for license
20 to teach. Before an applicant may take an examination to
21 obtain a license as a teacher of cosmetology, he must:

22 (1) be a graduate of high school or possess an
23 equivalent of a high school diploma recognized by the
24 superintendent of public instruction; and

25 (2) (a) have an ~~operator's~~ a license to practice

1 cosmetology issued by the department, been actively engaged
2 as a beauty operator for 1 continuous year immediately prior
3 to taking the examination, and have received a diploma from
4 a registered school of cosmetology approved by the board,
5 certifying satisfactory completion of 500 hours of student
6 teacher training; or

7 (b) have been actively engaged as a beauty operator
8 for 3 continuous years immediately prior to taking the
9 teachers' examination."

10 Section 6. Section 37-31-306, MCA, is amended to read:

11 "37-31-306. Reciprocity. A person who is licensed to
12 practice cosmetology or is licensed as a manager-operator in
13 another state may be eligible for reciprocity licensing in
14 this state if he fulfills the requirements of this chapter
15 and the rules adopted under it, other than those relating to
16 examination. However, he may be licensed without examination
17 only if the state in which he is licensed grants the same
18 privilege to persons licensed in this state who seek
19 licensure as cosmetologists or manager-operators in that
20 state."

21 Section 7. Section 37-31-307, MCA, is amended to read:

22 "37-31-307. Temporary license pending examination. The
23 board may authorize the department to grant to a graduate of
24 a registered school of any state, on the payment of the fee
25 prescribed by law, a temporary license authorizing the

1 graduate to practice ~~as an operator~~ under the supervision of
2 a licensed cosmetologist in the practice of hairdressing and
3 beauty culture for a period of not to exceed 90 days or
4 until the next examination is held by the department and the
5 results are announced. No temporary license may be issued
6 except on the presentation by the applicant of a certificate
7 of graduation from such a registered school. The temporary
8 licenses are not renewable."

9 Section 8. Section 37-31-308, MCA, is amended to read:

10 "37-31-308. Examination -- reexamination -- exemption
11 for handicapped persons. (1) Examinations for ~~operator's~~ a
12 license to practice shall be held at a place and time
13 specified by the board at least two times a year and not
14 more than five times a year and for teacher's license once
15 each year. The examinations shall be conducted by the
16 department, subject to 37-1-101. The examinations may not
17 be confined to a specific method or system.

18 (2) Anyone failing twice to pass an examination may
19 not apply to retake the examination:

20 (a) sooner than 6 months after the date of the second
21 failure; or

22 (b) until he has taken 200 hours additional teacher
23 training at a registered school of cosmetology approved by
24 the board.

25 (3) Physically handicapped persons trained for

1 cosmetology by the department of social and rehabilitation
 2 services shall, for a period of 1 year immediately following
 3 their graduation, be exempt from the examination and the
 4 fees described in 37-31-323. On certification from the
 5 department of social and rehabilitation services that a
 6 department of social and rehabilitation services beneficiary
 7 has successfully completed the required apprenticeship or
 8 training in a shop or beauty school, the department shall
 9 issue the person the necessary certificate or license to
 10 practice the profession in this state."

11 Section 9. Section 37-31-312, MCA, is amended to read:

12 "37-31-312. Inspection. (1) The department shall
 13 appoint one or more inspectors who are licensed to practice
 14 under this chapter, each of whom shall devote his time to
 15 inspecting beauty parlors and performing other duties as the
 16 department may direct. The inspectors may enter a beauty
 17 parlor or school of cosmetology during business hours for
 18 the purpose of inspection, and the refusal of a licensee to
 19 permit the inspection during business hours is cause for
 20 revocation of the license.

21 (2) Upon application for a license, any cosmetological
 22 establishment must pay an initial inspection fee of \$25.

23 (3) The board may authorize the department to grant to
 24 a cosmetological establishment, upon payment of the initial
 25 inspection fee, a temporary permit authorizing the

1 cosmetological establishment to operate for a period of not
 2 to exceed 90 days or until the inspector is able to make the
 3 inspection, whichever event occurs first. This temporary
 4 permit is not renewable.

5 (4) The board shall conduct an annual inspection of
 6 each cosmetology establishment in the state."

7 Section 10. Section 37-31-323, MCA, is amended to
 8 read:

9 "37-31-323. Fees. (1) Fees for licenses and
 10 certificates of registration shall be paid to the department
 11 not to exceed the following respective amounts prescribed by
 12 the board:

13 (a) A student enrolling in a registered cosmetology
 14 school shall pay a registration fee of \$7 to the department.

15 (b) An applicant for examination to practice shall pay
 16 a fee of \$40 at the time of the application.

17 (c) An applicant for examination who is a graduate
 18 from a cosmetology school of this state may pay a fee of \$8
 19 for a temporary license to practice as an operator.

20 (d) An applicant for examination to teach shall pay a
 21 fee of \$60 at the time of the application.

22 ~~(e) A person practicing cosmetology as an operator~~
 23 ~~shall pay a fee of \$12 for the issuance of a license.~~

24 ~~(f)~~ (e) An applicant for a manager-operator license
 25 shall pay a fee of \$20 for the issuance of a license.

1 ~~fg~~(f) An applicant for an itinerant license as a
2 cosmetologist shall pay a fee of \$100.

3 ~~fh~~(g) A person, firm, partnership, or corporation
4 owning, operating, or conducting a cosmetological salon
5 shall pay the sum of \$20 for the issuance of the certificate
6 of registration.

7 ~~fh~~(h) A person teaching or instructing cosmetology
8 shall pay a fee of \$20 for the issuance of a license.

9 ~~fj~~(i) A person, firm, partnership, or corporation
10 owning, operating, or conducting a school of cosmetology
11 shall pay the sum of \$100 for a certificate of registration.

12 ~~fk~~(j) A person, firm, partnership, or corporation
13 owning, operating, or conducting an advanced school of
14 cosmetology shall pay the sum of \$100 for a certificate of
15 registration.

16 ~~fk~~(k) A person, firm, partnership, or corporation
17 owning, operating, or conducting a teacher-training unit in
18 a school of cosmetology shall pay the sum of \$100 for a
19 certificate of registration.

20 ~~fm~~(l) An applicant for reciprocity licensure shall
21 pay a fee of \$100.

22 ~~fn~~(m) Duplicate licenses or certificates of
23 registration shall be issued on payment of \$4 and proof of
24 necessity.

25 (2) The license and registration fees shall be paid

1 annually, unless otherwise provided by board rule, in
2 advance to the department.

3 (3) No other or additional license or registration fee
4 may be imposed by a municipal corporation or other political
5 subdivision of this state for the practice or teaching of
6 cosmetology."

7 Section 11. Section 37-32-103, MCA, is amended to
8 read:

9 "37-32-103. Exemptions. Nothing in this chapter
10 prevents:

11 ~~(1)~~ a licensed medical doctor from performing the work
12 of an electrologist;

13 ~~(2)--a-person-employed-by--a--federal--state--county~~
14 ~~city-or-other-political-subdivision-or-by-an-educational-or~~
15 ~~charitable--institution--from--performing--the--work--of--an~~
16 ~~electrologist."~~

17 Section 12. Effective date. This act is effective on
18 passage and approval.

-End-