# 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

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. Concurred in. Sent to enrolling.

Reported correctly enrolled.

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1	Strate BILL NO. 406
2	INTRODUCED BY TEUE BEOWN
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
ò	AWNUAL INSPECTION OF COSMETOLOGICAL FACILITIES; ELIMINATING
19	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 o
5	cosmetologists is reestablished for 6 years pursuant t
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 professiona
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 $1_{1}$
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

occupational licensing, created by 2-15-1661;

(c) board of barbers, department of professional and

LC 1311/01

LC 1311/01

2	<ul><li>(d) board of chiropractors, department of professional</li></ul>
3	and occupational licensing, created by 2-15-1613;
4	te)boerdofcosmetologistaydepartmentof
5	professionalandeccupationallicensingcrastedby
6	2-15-1626 <del>)</del>
7	<pre>(f)(e) board of dentists, department of professional</pre>
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	<pre>th)[g] board of massage therapists, department of</pre>
13	professional and occupational licensing, created by
14	2-15-1627;
15	<del>(i)[h] Montana state board of medical examiners,</del>
16	department of professional and occupational licensing.
17	created by 2-15-1605;
18	<pre>tjf(i) board of morticians, department of professional</pre>
19	and occupational licensing, created by 2-15-1619;
. 20 -	(*)[]] board of nursing, department of professional
	and occupational Micensing, oreated by 2-15-1610;
22	<pre>t++(k) board of nursing home administrators,</pre>
23	department of professional and occupational licensing,
24	created by 2-15-1611;
25	{m}(l) board of optometrists, department of

occupational licensing, created by 2-15-1625;

1	professional	and	occupati	onal	licensing,	created	by
2	2-15-1612;						
3	(m)(m)	board	of osteo	pathic	physicians	• department	of
4	professional	and	occupati	onal	licensing,	created	by
5	2-15-1607;						
6	<del>(a)(a)</del>	board	of	pharmac	ists, d	epartment	of
7	professional	and	occupati	onal	licensing,	created	by
8	2-15-1609;						
9	101197	board	of podi	atry e	examiners.	department	of
10	professional	and	occupati	onal	licensing.	created	by
11	2-15-1608;						
12	(d)(b)	board	of	psychol	ogists,	department	of
13	professional	and	occupati	onal	licensing	created	Ьy
14	2-15-1617;						
15	tr)(a)	board	of radi	ologic	technologi	sts, departme	∍nt
16	of profession	nal a	nd occup	ational	licensing	g, created	by
17	2-15-1614;						
18	tattel	board	of speec	h patho	logists and	d audiologist	ts ,
19	department d	of pro	fessional	and	occupation	al licensin	1g•
20	created by 2-	-15-161	5;				
21	<del>(+)</del> [2]	board	of	veterin	arians, d	department	of
22	professional	and	occupati	onal	licensing,	created	by
23	2-15-1618;		а				
24	fu+(±)	board	of vet	erans•	affairs.	department	οf

-3-

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 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 hall 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 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,
- department of health and environmental sciences, created by 2-15-2105;
- 25 (i) 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 15) The following agency terminates on July 1: 1987:
- 25 the board of cosmetologists, department of professional and

- 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
- - 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
- de administrative purposes only as prescribed in 2-15-121.
- ⊶ આંકેક્ટ હોલ્કે Section 44/: 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

- 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
- manager-operator license. No-manager-operator--license--mey
- 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--veor-preceding-the-application-in-addition-to
- 9 possessing-the-other--requirements--for--a--proctitioner--or
- 10 teacher-of-cosmetologyw
- 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 en--operator\*s a license to practice

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

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

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

#37-31-306. Reciprocity. A person who is licensed to
practice cosmetology or is licensed as a manager-operator in
another state may be eligible for reciprocity licensing in
this state if he fulfills the requirements of this chapter
and the rules adopted under it, other than those relating to
examination. However, he may be licensed without examination
only if the state in which he is licensed grants the same
privilege to persons licensed in this state who seak
licensure as cosmetologists or manager-operators in that
state.\*\*

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

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

graduate to practice es-en-operator under the supervision of
a licensed cosmetologist in the practice of hairdressing and
beauty culture for a period of not to exceed 90 days or
until the next examination is held by the department and the
results are announced. No temporary license may be issued
except on the presentation by the applicant of a certificate
of graduation from such a registered school. The temporary
licenses are not renewable.\*

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

"37-31-308. Examination — reexamination — exemption
for handicapped persons. (1) Examinations for operatoris a
license to practice shall be held at a place and time
specified by the board at least two times a year and not
more than five times a year and for teacher's license once
each year. The examinations shall be conducted by the
department, subject to 37-1-101. The examinations may not
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.
  - (3) Physically handicapped persons trained for

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

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

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

- cosmetological establishment to operate for a period of not to exceed 90 days or until the inspector is able to make the inspection, whichever event occurs first. This temporary
- 5 <u>(4) The board shall conduct an annual inspection of</u> 6 each cosmetology establishment in the state.\*\*

permit is not renewable.

- 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:
- (a) A student enrolling in a registered cosmetologyschool 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 tel-A-person-practicing-cosmetology-as-an-operator
  23 shall-pay-a-fee-of-\$12-for-the-issuance-of-a-license.
- 24 (ff)(e) An applicant for a manager-operator license 25 shall pay a fee of \$20 for the issuance of a license.

(11tet	An applicant	for	an	itinerant	license	as	8
cosmetologis	t shall pay a	fee of	f \$1	.00-			

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- th)(g) A person, firm, partnership, or corporation owning, operating, or conducting a cosmetological salon shall pay the sum of \$20 for the issuance of the certificate of registration.
- tit(h) A person teaching or instructing cosmetology
  shall pay a fee of \$20 for the issuance of a license.
- (j)(i) A person: firm: partnership: or corporation owning: operating: or conducting a school of cosmetology shall pay the sum of \$100 for a certificate of registration.
- (k)(i): A person: firm: partnership: or corporation
  owning: operating: or conducting an advanced school of
  cosmetology shall pay the sum of \$100 for a certificate of
  registration:
- thick) A person, firm, partnership, or corporation owning, operating, or conducting a teacher-training unit in a school of cosmetology shall pay the sum of \$100 for a certificate of registration.
- 20 (m)(11) An applicant for reciprocity licensure shall 21 pay a fee of \$100.
- 22 thim) Duplicate licenses or certificates of 23 registration shall be issued on payment of \$4 and proof of 24 necessity.
  - (2) The license and registration fees shall be paid

- annually, unless otherwise provided by board rule, in
  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 electrologists.
- 13 t2}--a-person-employed-by--a-federaly--statey--countyy
  14 cityy-ar-other-political-subdivision-ar-by-an-educational-or
  15 charitable--institution--from--performing--the--work--of--an
  16 electrologisty\*
- 17 Section 12. Effective date. This act is effective on 18 passage and approval.

-End-

#### STATE OF MONTANA

REQUEST NO. 333-81

#### FISCAL NOTE

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n compliance with a written request received <u>February 9</u> , 19 <u>81</u> , there is hereby submitted a Fiscal Note
for <u>Senate Bill 406</u> 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.

Fiscal Impact	FY 1982	FY 1983
Travel and per diem for additional board member Decrease inspection costs	\$1,100 2,000	\$1,100 2,000
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

2 INTRODUCED BY Since State Berry

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

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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 UNE-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 SECTIONS 2-8-103. 2-15-1626+ ELECTROLOGIST: AMENDING 37-31-312+ 37-31-305 THROUGH 37-31-308. 37-31-302. 37-31-323, AND 37-32-103, HCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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23 WHEREAS, as a result of the performance evaluation, the
24 Legislative Audit Committee recommends that the Board of
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13 and occupational licensing, created by 2-15-1642;

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20 1981:

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22 and industry, created by 2-15-1706;

(b) board of athletics, department of professional and

24 occupational licensing, created by 2-15-1661;

(c) board of barbers, department of professional and

SECOND READING

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	<del>(e)boardofcosmetologistsydepartmentof</del>
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12	tattal po	ard of	psychologists	• department	of
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14	2-15-1617;				
15	trital bo	ard of ra	diologic techno	logists• departm	ent
16	of professions	and occ	upational lice	nsing, created	Ьy
17	2-15-1614;				
18	tattel po	ard of spe	ech pathologist	s and audiologis	ts,
19	department of	profession	al and occupa	tional licensi	ng•
20	created by 2-15	-1615;			
21	<del>(t)[S]</del> bo	ard of	veterinarians	• department	of
22	professional a	nd occupa	tional licens	ing, created	bу
23	2-15-1618;				
24	tulit) bo	ard of v	eterans' affai	rs, department	of
25	social and reha	bilitation	services, creat	ed by 2-15-2202;	

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  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

- 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
- 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 (i) 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

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- occupational licensing, created by 2-15-1626.
- 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-Montono-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.

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- 18 (3) Each member shall serve for a term of 4 years.
  - (4) The board is allocated to the department for
- 20 administrative purposes only as prescribed in 2-15-121.
  - 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.
  - (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-opplicant-has-been-octively-engaged-in
- 7 or-teaching-the-practice-of-cosmetology-in-this-state-for--a
- 8 period--of--i--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.\*
  - 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 en--operators a license to practice

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

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

Section 6. Section 37-31-306, MCA, is amended to read:
w37-31-306. Reciprocity. A person who is licensed to
practice cosmetology or is licensed as a manager-operator in
another state may be eligible for reciprocity licensing in
this state if he fulfills the requirements of this chapter
and the rules adopted under it, other than those relating to
examination. However, he may be licensed without examination
only if the state in which he is licensed grants the same
privilege to persons licensed in this state who seek
licensure as cosmetologists or manager-operators in that
state.\*\*

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

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

graduate to practice es-en-operator under the supervision of
a licensed cosmetologist in the practice of hairdressing and
beauty culture for a period of not to exceed 90 days or
until the next examination is held by the department and the
results are announced. No temporary license may be issued
except on the presentation by the applicant of a certificate
of graduation from such a registered school. The temporary
licenses are not renewable.\*

9 Section 8. Section 37-31-308, MCA, is amended to read: 10 \*37-31-308. Examination -- reexamination -- exemption for handicapped persons. (1) Examinations for operators a 11 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.
  - (3) Physically handicapped persons trained for

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

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Section 9. Section 37-31-312, MCA, is amended to read:
#37-31-312. Inspection. (1) The department shall appoint one or more inspectors who are licensed to practice under this chapter, each of whom shall devote his time to inspecting beauty parlors and performing other duties as the department may direct. The inspectors may enter a beauty parlor or school of cosmetology during business hours for the purpose of inspection, and the refusal of a licensee to permit the inspection during business hours is cause for revocation of the license.

- (2) Upon application for a license, any cosmetological. establishment must pay an initial inspection fee of \$25.
- (3) The board may authorize the department to grant to a cosmetological establishment, upon payment of the initial 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 <u>(4) The board shall conduct an annual inspection of</u>
  6 each cosmetology establishment in the states \*\*
- 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.
- (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
  - 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 tet--k-person-procticing--cosketology--as--an--operator
- 23 sholl-pay-a-fee-of-412-for-the-issuance-of-o-licensev
- 24 tf lel An applicant for a manager-operator license
- 25 shall pay a fee of \$20 for the issuance of a license.

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

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

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

tjf(1) A person, firm, partnership, or corporation owning, operating, or conducting a school of cosmetology shall pay the sum of \$100 for a certificate of registration.

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

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

fmf(1) An applicant for reciprocity licensure shall
pay a fee of \$100.

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

(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-federaly--statey--countyy
14 cityy-or-other-political-subdivision-or-by-an-educational-or
15 charitable--institution--from--performing--the--work--of--an
16 electrologiste\*

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

-End-

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easter BILL NO. 406 1 INTRODUCED BY 2 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE 3 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 7 LICENSING LAWS; MODIFYING THE BOARD MAKEUP; REQUIRING AN 8 ANNUAL INSPECTION OF COSMETOLOGICAL FACILITIES: ELIMINATING 9 THE ONE-YEAR EXPERIENCE REQUIREMENT FOR A MANAGER-OPERATOR; 10 DELETING SOME EXEMPTIONS FROM LICENSING: PROVIDING FOR 11 RECIPROCAL LICENSING OF MANAGER-OPERATORS; REMOVING THE 12 PUBLIC EMPLOYEES EXEMPTION FROM LICENSURE 13 ELECTROLOGIST: AMENDING SECTIONS 2-8-103. 2-15-1626+ 14 15 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 16 EFFECTIVE DATE." 17 18 WHEREAS, the sunset law, sections 2-8-103 and 2-8-112, 19 20 MCA, terminates the Board of Cosmetologists and requires a 21 performance evaluation of the Board by the Legislative Audit 22 Committee: and WHEREAS, as a result of the performance evaluation, the 23

Legislative Audit Committee recommends that the Board of

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 2-8-122 with its existing statutory authority and rules. Section 2. Section 2-8-103. MCA: is amended to read: 7 \*2-8-103. Agencies to terminate. (1) The following 8 9 agencies shall terminate on July 1, 1979: 10 (a) board of abstracters, department of professional and occupational licensing, created by 2-15-1643; 11 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 conditioning. air department of professional and 16 occupational licensing, created by 2-15-1656; 17 (d) board of institutions, department of institutions, 18 created by Z-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;

-2- THIRD READING

(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	tetboardofcosmetologistsydepartmentof
5	professionalandoccupationallicensingyereatedby
6	<del>2~15~1626)</del>
7	<pre>ff)(e) board of dentists, department of professional</pre>
8	and occupational licensing, created by 2-15-1606;
9	(19)(f) board of hearing aid dispensers, department of
10	professional and occupational licensing, created by
11	2-1:5-1616;
12	(h)[g] board of massage therapists, department of
13	professional and occupational licensing, created by
14	2-15-1627;
15	<pre>fif(h) Montana state board of medical examiners;</pre>
16	department of professional and occupational licensing.
17	created by 2-15-1605;
18	tit(ii) board of morticians, department of professional
19	and occupational licensing, created by 2-15-1619;
20	<pre>tk)(i) board of nursing, department of professional</pre>
21	and occupational licensing, created by 2-15-1610;
22	<pre> †††(k) board of nursing home administrators,</pre>
23	department of professional and occupational licensing.
24	created by 2-15-1611;
25	<pre>fm](11) board of optometrists, department of</pre>

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	<pre>teting board of pharmacists, department of</pre>
7	professional and occupational licensing, created by
8	2-15-1609;
9	tp)(a) board of podiatry examiners, department of
10	professional and occupational licensing, created by
11:	2-15-1608;
12	tq)(p) board of psychologists, department of
13	professional and occupational licensing, created by
14	2-15-1617;
15	<pre>fr7(q) board of radiologic technologists, department</pre>
16	of professional and occupational licensing, created by
17	2-15-1614;
18	tatic) board of speech pathologists and audiologists.
19	department of professional and occupational licensing,
20	created by 2-15-1615;
21	<pre>(t†(s) board of veterinarians, department of</pre>

social and rehabilitation services, created by 2-15-2202;

professional and occupational licensing, created by

ful(t) board of veterans\* affairs\* department of

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2-15-1618;

(n) (A)	board	of	sanita	rians,	depa	rtment	of
professional	and	occup	ational	licensi	ng,	created	by
2-15-1631•							

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

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- (a) board of aeronautics, department of community affairs, created by 2-15-1103;
- 8 (b) state board of hail insurance, department of 9 agriculture, created by 2-15-3003;
  - (c) board of horse racing, department of professional and occupational licensing, created by 2-15-1662;
- 12 (d) board of livestock, department of livestock,
  13 created by 2-15-3102;
- (e) board of milk control, department of businessregulation, 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
- 3 (4) The following agencies terminate on July 1, 1985:
- 4 (a) the board of public accountants, created by
- 5 2-15-1641;

2-15-1632-

- 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 hoard of cosmetologists, department of professional and

occupational	licancina.	created by	2-15-1424 #
occupacionar	LICEUSINGS	CLESTED DA	Z-13-10204-

- 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.
  - eppointed by—the—governor—from—a—list—of—six—persons recommended—by—the—Montana—state—hairdressers\*—association three licensed cosmetologists and one public member—who—is not—angaged in the practice of cosmetology or electrology. Each licensed cosmetologist member appointed shall have actively engaged in the profession of cosmetology for at least 5 years before his appointment and have been a resident of this state for at least 5 years immediately before his appointment. Each member shall be at least 18 years old and a graduate of a high school or its equivalent. No two members of the board may be members of or affiliated with a school of cosmetology.
    - (3) Each member shall serve for a term of 4 years.
  - (4) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121.
- Section 4. Section 37-31-302, MCA, is amended to read:

  "37-31-302. License required to practice, teach, or

  operate shop or school. (1) No person may practice or teach

  cosmetology without a license.
  - (2) No place may be used or maintained for the

- teaching of cosmetology for compensation except under a certificate of registration.
  - (3) No person may operate, manage, or conduct a beauty shop or school and teach the art or practice without a manager-operator license. No-manager-operator-license-may be--issued-unless-the-applicant-has-been-actively-engaged-in or-teaching-the-practice-of-cosmetology-in-this-state-for-a period-of-l--year-preceding-the-application-in-addition-to possessing-the-other--requirements--for--a--practitioner--or teacher-of-cosmetologys
  - (4) A person, firm, partnership, or corporation desiring to operate a cosmetological establishment shall make an application to the department for a certificate of registration and license. The application shall be accompanied by the annual registration fee.
  - (5) No license may be issued until the inspection fees required in 37-31-312 have been paid.
  - Section 5. Section 37-31-305, MCA, is amended to read:
    #37-31-305. Qualifications of applicants for license
    to teach. Before an applicant may take an examination to
    obtain a license as a teacher of cosmetology, he must:
  - (1) be a graduate of high school or possess an equivalent of a high school diploma recognized by the superintendent of public instruction; and
  - (2) (a) have an--operator's a license to practice

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

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

Section 6. Section 37-31-306. MCA: is amended to read: #37-31-306. Reciprocity. A person who is licensed to practice cosmetology or is licensed as a manager-operator in another state may be eligible for reciprocity licensing in this state if he fulfills the requirements of this chapter and the rules adopted under it, other than those relating to examination. However, he may be licensed without examination only if the state in which he is licensed grants the same privilege to persons licensed in this state who seek licensure as cosmetologists or manager-operators in that state.\*

Section 7. Section 37-31-307, MCA, is amended to read: \*37-31-307. Temporary license pending examination. The board may authorize the department to grant to a graduate of a registered school of any state, on the payment of the fee prescribed by law, a temporary license authorizing the

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

Section 8. Section 37-31-308, MCA, is amended to read: #37-31-308. Examination -- reexamination -- exemption for handicapped persons. (1) Examinations for operator\*s a license to practice shall be held at a place and time specified by the board at least two times a year and not more than five times a year and for teacher's license once each year. The examinations shall be conducted by the department, subject to 37-1-101. The examinations may not be confined to a specific method or system.

- (2) Anyone failing twice to pass an examination may 18 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 training at a registered school of cosmetology approved by the board.
- 25 (3) Physically handicapped persons trained for

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

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Section 9. Section 37-31-312, MCA, is amended to reads #37-31-312. Inspection. (1) The department shall appoint one or more inspectors who are licensed to practice under this chapter, each of whom shall devote his time to inspecting beauty parlors and performing other duties as the department may direct. The inspectors may enter a beauty parlor or school of cosmetology during business hours for the purpose of inspection, and the refusal of a licensee to permit the inspection during business hours is cause for revocation of the license.

- (2) Upon application for a license, any cosmetological establishment must pay an initial inspection fee of \$25.
- (3) The board may authorize the department to grant to a cosmetological establishment, upon payment of the initial inspection fee, a temporary permit authorizing the

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

(4) The board shall conduct an annual inspection of

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

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

- (a) A student enrolling in a registered cosmetology school shall pay a registration fee of \$7 to the department.
- (b) An applicant for examination to practice shall pay
  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)--x-person-practicing--cosmetology--as--an--aperator
  23 shall-pay-a-fee-of-\$12-for-the-tssuance-of-a-licensey
- 24 (ff)(a) An applicant for a manager-operator license 25 shall pay a fee of \$20 for the issuance of a license.

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

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

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

titil A person, firm, partnership, or corporation owning, operating, or conducting a school of cosmetology shall pay the sum of \$100 for a certificate of registration.

thick A person, firm, partnership, or corporation

owning, operating, or conducting an advanced school of cosmetology shall pay the sum of \$100 for a certificate of registration.

f+1(k) A person, firm, partnership, or corporation
owning, operating, or conducting a teacher-training unit in
a school of cosmetology shall pay the sum of \$100 for a
certificate of registration.

20 (m)(1) An applicant for reciprocity licensure shall 21 pay a fee of \$100.

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

(2) The license and registration fees shall be paid

annually, unless otherwise provided by board rule, in
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 (††) a licensed medical doctor from performing the work
12 of an electrologist\*

13 (2)--a-person-employed-by--a--federaly--statey--countyy
14 cityy-or-other-political-subdivision-ar-by-an-educational-or
15 charitable--institution--from--performing--the--work--of--en

16 electrologist\*\*
17 Section 12. Effective date. This act is effective on

18 passage and approval.

-End-

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1981:

1	SENATE BILL NO. 406
2	INTRODUCED BY HIMSL. S. BROWN
3	BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE
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5	A SILL 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	SEECTROLOGIST; 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."
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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

authority. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Reestablishment. The board οf cosmetologists is reestablished for 6 years pursuant to 2-8-122 with its existing statutory authority and rules. Section 2. Section 2-8-103, MCA, is amended to read: \*2-8-103. Agencies to terminate. (1) The following agencies shall terminate on July 1, 1979; (a) board of abstracters, department of professional and occupational licensing, created by 2-15-1643; 12 (b) board of real estate, department of professional and occupational licensing, created by 2-15-1642; 14 (c) state board of warm air heating, ventilation, and 15 air conditioning, department of professional occupational licensing, created by 2-15-1656; 17 (d) board of institutions, department of institutions, 18 created by 2-15-2303. (2) The following agencies shall terminate on July 1,

(a) commission for human rights, department of labor

(b) board of athletics, department of professional and

(c) board of barbers, department of professional and

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occupational licensing, created by 2-15-1661;

and industry, created by 2-15-1706;

occupational licensing, created by 2-15-1625; 1 2 (d) board of chiropractors, department of professional 3 and occupational licensing, created by 2-15-1613; tet--board----af----cosmetologistsy----department----of professional--and---eccupational---licensing---ereated---by 6 2-15-1626+ 7 tf)(e) board of dentists, department of professional 8 and occupational licensing, created by 2-15-1606; 9 tgt(f) board of hearing aid dispensers, department of 10 professional occupational licensing, created by 11 2-15-1616: 12 th)(g) board of massage therapists, department of 13 professional occupational licensing, created by 2-15-1627; 14 15 (i)(h) Montana state board of medical examiners. of professional and occupational licensing. 16 department 17 created by 2-15-1605; 18 tit(i) board of morticians, department of professional 19 and occupational licensing, created by 2-15-1619; 20 fkf(j) board of nursing, department of professional 21 and occupational licensing, created by 2-15-1610; 22 (+)(k) board of nursing home administrators. 23 department of professional and occupational licensing. 24 created by 2-15-1611;

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tm)(1) board

professional and occupational licensing, created by 2 2-15-1612; of osteopathic physicians, department of 3 th)(m) board professional and occupational licensing. created by 2-15-1607: (a)(n) board pharmacists. department of 7 professional and occupational licensing, created 2-15-1609; 9 tpt[o] board of podiatry examiners, department of occupational licensing, created by 10 professional and 11 2-15-1608; 12 board (g) tp) psychologists. department occupational licensing, created 13 professional and 14 2-15-1617; tr)(g) board of radiologic technologists, department 15 of professional and occupational licensing, created by 16 2-15-1614; 17 (s)(r) board of speech pathologists and audiologists, 18 department of professional and occupational licensing. 19 20 created by 2-15-1615; of veterinarians: department of 21 (t)(s) board occupational licensing, created by 22 professional and 23 2-15-1618; of veterans' affairs, department of tut(t) board 24 social and rehabilitation services, created by 2-15-2202;

department of

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optometrists.

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tv)(u) board sanitarians, department professional and occupational licensing, created by 2-15-1631.

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- (3) The following units of state government shall terminate on July 1, 1983:
- (a) board of aeronautics, department of community 7 affairs, created by 2-15-1103;
- (b) state board of hail insurance, department of agriculture, created by 2-15-3003; 9
- 10 (c) board of horse racing, department of professional 11 and occupational licensing, created by 2-15-1662;
- (d) board of livestock, department of livestock, 12 created by 2-15-3102; 13
- (e) board of milk control, department of business 14 15 regulation, created by 2-15-1802;
- (f) board of oil and gas conservation, department of 16 17 natural resources and conservation, created by 2-15-3303;
- (q) Montana outfitters council, department of fish, 18 wildlife, and parks, created by 2-15-3403; 19
- (h) public service commission, department of public 20 service regulation, created by 69-1-102; 21
- (i) board of water and wastewater operators, 22 department of health and environmental sciences, created by 23 24 2-15-2105;
- 25 (1) board of water well contractors, department of

- professional and occupational licensing, created by 2-15-1632.
- 3 (4) The following agencies terminate on July 1, 1985:
- (a) the board of public accountants, created by 5 2-15-1641:
- (b) the board of architects, created by 2-15-1651;
- (c) state banking board, department of business 7 regulation, created by 2-15-1803;
- 9 (d) the state electrical board, created by 2-15-1654;
- (e) the board of professional engineers and land 10
- 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 2-15-1652; 18
- 19 (i) the board of county printing, created by 20 2-15-1102:
- 21 (i) the board of plumbers, created by 2-15-1655:
- 22 (k) board of physical therapy examiners, created by
- 2-15-1628. 23
- 24 15) The following agency terminates on July 1, 1987: 25
- the board of cosmetologists, department of professional and

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teacher-of-cosmetology\*

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

board of cosmetologists.

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- 2 Section 3. Section 2-15-1626, MCA, is amended to read: 3 \*2-15-1626. Board of cosmetologists. (1) There is a
  - (2) The board consists of three-members-who-may-be appointed-by--the--governor--from--a--list--of--six--persons recommended--by--the-Montana-state-hairdressers--association three licensed cosmetologists and one public member who is not engaged in the practice of cosmetology or electrology. Each <u>licensed\_cosmetologist</u> member appointed shall have actively engaged in the profession of cosmetology for at least 5 years before his appointment and have been a resident of this state for at least 5 years immediately before his appointment. Each member shall be at least 18 years old and a graduate of a high school or its equivalent. No two members of the board may be members of or affiliated with a school of cosmetology.
    - (3) Each member shall serve for a term of 4 years.
  - (4) The board is allocated to the department for 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

- teaching of cosmetology for compensation except under a 1 2 certificate of registration.
- 3 (3) No person may operate, manage, or conduct a beauty 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--i--year-preceding-the-application-in-addition-to 9 possessing-the-other--requirements--for--a--practitioner--or
  - (4) A person, firm, partnership, or corporation desiring to operate a cosmetological establishment shall make an application to the department for a certificate of registration and license. The application shall be accompanied by the annual registration fee.
- (5) No license may be issued until the inspection fees 16 required in 37-31-312 have been paid."
  - Section 5. Section 37-31-305, MCA, is amended to read: "37-31-305. Qualifications of applicants for license to teach. Before an applicant may take an examination to 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

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

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

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

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

Section 7. Section 37-31-307, MCA+ is amended to read:
#37-31-307. Temporary license pending examination. The
board may authorize the department to grant to a graduate of
a registered school of any state, on the payment of the fee
prescribed by law, a temporary license authorizing the

qraduate to practice as-an-operator under the supervision of
a licensed cosmetologist in the practice of hairdressing and
beauty culture for a period of not to exceed 90 days or
until the next examination is held by the department and the
results are announced. No temporary license may be issued
except on the presentation by the applicant of a certificate
of graduation from such a registered school. The temporary
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
- (b) until he has taken 200 hours additional teacher
  training at a registered school of cosmetology approved by
  the board.
- 25 (3) Physically handicapped persons trained for

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

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Section 9. Section 37-31-312. MCA, is amended to read:
#37-31-312. Inspection. (1) The department shall
appoint one or more inspectors who are licensed to practice
under this chapter, each of whom shall devote his time to
inspecting beauty parlors and performing other duties as the
department may direct. The inspectors may enter a beauty
parlor or school of cosmetology during business hours for
the purpose of inspection, and the refusal of a licensee to
permit the inspection during business hours is cause for
revocation of the license.

- (2) Upon application for a license, any cosmetological establishment must pay an initial inspection fee of \$25.
- (3) The board may authorize the department to grant to a cosmetological establishment, upon payment of the initial 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:

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- 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
  - 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 fet--A-person-practicing--cosmetalogy--as--on--operator
- 23 shall-pay-a-fee-of-\$12-for-the-issuance-of-a-licenser
- 24 <u>fff(e)</u> An applicant for a manager-operator license
- 25 shall pay a fee of \$20 for the issuance of a license.

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tgt <u>(f)</u>	An	applicant	for	an	itinerant	license	<b>as</b>	а
cosmetologis	t si	hall pay a	fee	of \$	100.			

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

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

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

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

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

fm)(1) An applicant for reciprocity licensure shall pay a fee of \$100.

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

(2) The license and registration fees shall be paid

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

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

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

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

+1+ a licensed medical doctor from performing the work 11 12 of an electrologist+.

t2)--a-person-employed-by--a--federaly--states--county+ 13 eityv-or-other-political-subdivision-or-by-an-educational-or 14 15 charitable--institution--from--performing--the--work--of--an 16 electrologist"

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

-End-