

HOUSE BILL NO. 633

INTRODUCED BY DONALDSON

BY REQUEST OF THE DEPARTMENT OF COMMERCE

IN THE HOUSE

| | |
|-------------------|--|
| February 4, 1983 | Introduced and referred to Committee on Business and Industry. |
| February 11, 1983 | Committee recommend bill do pass as amended. Report adopted. |
| | Statement of Intent attached. |
| February 12, 1983 | Bill printed and placed on members' desks. |
| February 14, 1983 | Second reading, do pass. |
| February 15, 1983 | Considered correctly engrossed. |
| February 16, 1983 | Third reading, passed. Transmitted to Senate. |

IN THE SENATE

| | |
|-------------------|--|
| February 17, 1983 | Introduced and referred to Committee on Business and Industry. |
| March 23, 1983 | Committee recommend bill be concurred in. Report adopted. |
| March 25, 1983 | Second reading, concurred in. |
| March 28, 1983 | Third reading, concurred in. Ayes, 46; Noes, 1. |

IN THE HOUSE

March 28, 1983

Returned to House.

March 29, 1983

Sent to enrolling.

Reported correctly enrolled.

1 House BILL NO. 633
 2 INTRODUCED BY Connelley
 3 BY REQUEST OF THE DEPARTMENT OF COMMERCE
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE
 6 DEPARTMENT OF COMMERCE TO ESTABLISH THE RENEWAL DATES FOR
 7 CERTAIN PROFESSIONAL AND OCCUPATIONAL LICENSES BY RULE;
 8 AMENDING SECTIONS 37-1-101, 37-9-304, 37-9-305, 37-10-307,
 9 37-14-310, 37-30-307, 37-30-423, 37-67-315, AND 37-69-307,
 10 MCA; AND PROVIDING AN EFFECTIVE DATE."
 11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 13 Section 1. Section 37-1-101, MCA, is amended to read:
 14 "37-1-101. Duties of department. In addition to the
 15 provisions of 2-15-121, the department of commerce shall:
 16 (1) provide all the administrative and clerical
 17 services needed by the boards within the department,
 18 including corresponding, taking applications for licenses,
 19 issuing licenses granted by the boards, renewing licenses,
 20 registering, taking minutes of board meetings and hearings,
 21 and filing;
 22 (2) standardize and keep in Helena all official
 23 records of the boards;
 24 (3) make arrangements and provide facilities in Helena
 25 for the meetings, hearings, and examinations of each board

1 or elsewhere in the state if requested by the board;
 2 (4) administer and grade examinations required by each
 3 board or by law for licensing, unless the board determines
 4 that experts or professionals are necessary to administer or
 5 grade a particular examination;
 6 (5) at the request of a board, investigate complaints
 7 received by the department of illegal or unethical conduct
 8 of a member of the profession or occupation under the
 9 jurisdiction of a board within the department;
 10 (6) assess the costs of the department to the boards
 11 on an equitable basis as determined by the department;
 12 ~~(7) adopt rules establishing expiration dates of~~
 13 ~~licenses for barbers, barbershops, professional engineers,~~
 14 ~~land surveyors, nursing home administrators, optometrists,~~
 15 ~~plumbers, and radiologic technologists."~~
 16 Section 2. Section 37-9-304, MCA, is amended to read:
 17 "37-9-304. Fees. (1) Each person who applies for
 18 licensure, whether by waiver, examination, or reciprocity,
 19 shall be required to pay a fee prescribed by the board at
 20 the time of application.
 21 (2) Each person licensed as a nursing home
 22 administrator shall be required to pay a license fee in an
 23 amount to be fixed by the board. A license shall expire on
 24 ~~December 31 in the year for which it is issued each year on~~
 25 ~~a date set by rule of the department~~ and shall be renewable

1 annually upon timely payment of the license fee.

2 (3) Each person registered as an inactive nursing home
3 administrator shall be required to pay a registration fee in
4 the amount fixed by the board. An inactive registration
5 shall expire on ~~December 31 in the year for which it is~~
6 ~~issued each year on a date established by rule of the~~
7 ~~department~~ and shall be renewable annually upon timely
8 payment of the inactive registration fee.

9 (4) The fee for issuing a duplicate license shall be
10 fixed by the board."

11 Section 3. Section 37-9-305, MCA, is amended to read:

12 "37-9-305. Renewal of registration and license. Every
13 holder of a nursing home administrator's registration and
14 license shall renew it annually by payment of the required
15 fee for the next subsequent year prior to the expiration
16 date of his currently valid registration and license on
17 ~~December 31~~. Renewals of registrations or licenses shall be
18 granted as a matter of course, providing the holder has
19 completed a continuing education course prescribed or
20 approved by the board; however, if the board finds, after
21 due notice and hearing, that the applicant has acted or
22 failed to act in such a manner or under circumstances as
23 would constitute grounds for suspension or revocation of a
24 registration and license, it shall not issue the renewal."

25 Section 4. Section 37-10-307, MCA, is amended to read:

1 "37-10-307. Annual renewal -- fee. A registered
2 optometrist who desires to continue the practice of
3 optometry in this state shall, before the license expiration
4 date established by rule of the department, annually before
5 duty 2 of each year pay to the department a renewal fee
6 prescribed by the board in return for which a renewal of
7 registration shall be issued. If a person fails or neglects
8 to procure his annual renewal of registration, his
9 certificate of registration shall be revoked by the board;
10 however, no certificate of registration may be revoked
11 without 90 days' notice having been given to the delinquent,
12 who within this period may renew his certificate of
13 registration on the payment of the renewal fee with a
14 penalty prescribed by the board."

15 Section 5. Section 37-14-310, MCA, is amended to read:

16 "37-14-310. Biennial renewal -- fee -- reissuance of
17 license. (1) Licenses expire on December 31 of the date
18 established by rule of the department in the first
19 even-numbered year following the year of their issuance and
20 on every even-numbered year thereafter.

21 (2) A license shall be renewed by the board upon
22 payment of a license fee set by the board and submission of
23 a renewal application containing such information as the
24 board considers necessary to show that the applicant for
25 renewal is a radiologic technologist in good standing.

(3) A radiologic technologist who has been licensed in Montana and whose license has not been revoked or suspended and who has temporarily ceased activities as a radiologic technologist for not more than 5 years may apply for reissuance of a license upon complying with the provisions of this section, including payment of an application fee."

Section 6. Section 37-30-307, MCA, is amended to read:

"37-30-307. Fees -- handicapped persons exempted -- other fees prohibited. (1) The fee to be paid by an apprentice for an apprentice examination and an apprentice card shall be prescribed by the board.

(2) The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice barbering and for the issuance of the certificate shall be prescribed by the board.

(3) A person registered as a barber or barber apprentice shall, before ~~duty-i-of-each-year the expiration date established by rule of the department~~, annually pay a license fee, set by the board based on clerical and administrative costs, for the renewal of his certificate of registration. If a barber fails to have the certificate renewed before ~~duty-i-of-each-year the expiration date~~, the barber shall on renewal of the certificate of registration pay a penalty prescribed by the board in addition to the

regular renewal fee. If a certificate of registration is not renewed within 1 year after the date of expiration, the barber is not entitled to have the certificate of registration renewed or a new certificate of registration issued without first applying for and taking the examination and paying the fees provided for in this section.

(4) However, physically handicapped persons trained for the barber profession by the department of social and rehabilitation services and certified by that department as having successfully completed a 9-month course in a reputable barber college are not required to pay fees and are for a period of 1 year immediately following their training exempt from all except the sanitary provisions of this chapter.

(5) No other or additional license or fee may be imposed on barbers or barber apprentices by a municipality or other subdivision of this state."

Section 7. Section 37-30-423, MCA, is amended to read:

"37-30-423. Initial inspection fee -- renewal. (1) In addition to the fees and charges provided by law on March 11, 1939, barbershops established prior to that date and which had been under the inspection of the board shall pay an annual license fee set by the board based on clerical and administrative costs. Barbershops established after March 11, 1939, shall pay an initial inspection fee prescribed by

the board for the first year or portion thereof and shall pay an annual license fee set by the board.

(2) Barbershop, school, or college licenses, ~~once issued, expire on-duty-1-of-each-year-following-the-issuance of-the-license each year on the date established by rule of the department,~~ and an owner or manager of a barbershop, school, or college which continues in active operation shall annually, before ~~duty-1 the expiration date,~~ renew his barbershop, school, or college license and pay the required fee. A barbershop which fails to have the license renewed before ~~duty-1-of the expiration date~~ each year shall, on renewal, pay a penalty prescribed by the board, and a barber school or college which fails to have the license renewed before ~~duty-1-of the expiration date~~ each year shall, on renewal, pay a penalty prescribed by the board."

Section 8. Section 37-67-315, MCA, is amended to read:

"37-67-315. Annual Biennial renewal -- fee -- verification of competency. (1) Certificates of registration expire ~~on-December-31-of-the-appropriate-year every second year on the date established by rule of the department~~ and become invalid on that date unless renewed. The department shall notify every person registered under this chapter of the date of the expiration of his certificate and the amount of the fee required for its renewal for 2 years. This notice shall be mailed at least 1 month in advance of the date of

the expiration of the certificate. Renewal may be made ~~during-the-month-of-December-of-the-appropriate--year prior to the expiration date~~ by the payment of a fee as set by the board for either a professional engineer or land surveyor. For renewal of a dual license as both a professional engineer and land surveyor, the fee shall be set by the board.

(2) No certificate may be renewed unless the registrant submits a verified statement to the effect and the board is satisfied that he has maintained competency by:

(a) the continued practice of engineering or land surveying; or

(b) engaging in other activities that provide for the maintenance of competency as prescribed by board rule.

(3) Failure on the part of a registrant to renew his certificate biennially ~~in--the--month--of--December-of-the appropriate-year prior to the expiration date~~ does not deprive him of the right of renewal; however, a registrant who fails to pay the renewal fee for an additional year of the biennium shall be considered a new applicant and is required to submit a new application.

(4) The fee for any registrant who fails to renew his certificate ~~by-December-31-of-the-appropriate-year prior to the expiration date~~ shall be increased by an amount not to exceed 50% of his renewal fee. Renewal may not be completed

1 until all fees are paid."

2 Section 9. Section 37-69-307, MCA, is amended to read:

3 "37-69-307. Examination fee and annual renewal fee.

4 (1) No applicant for a master plumber's license may submit
5 to the examinations prescribed by the board until he has
6 deposited with the department an examination fee prescribed
7 by the board, and no applicant for a journeyman plumber's
8 license may submit to the examination prescribed by the
9 board until he has deposited with the department an
10 examination fee as prescribed by the board.

11 (2) A license when issued expires ~~1-year-from-the-date~~
12 ~~of-issuance each year on the date established by rule of the~~
13 ~~department.~~ A license issued to a master plumber or a
14 journeyman plumber may be renewed annually without
15 examination, at any time prior to its expiration, by a
16 written request for its renewal directed to the department
17 and the payment of a fee as set by the board for renewal of
18 a master plumber's license or a fee as set by the board for
19 renewal of a journeyman plumber's license. Renewal is for
20 the period of 1 year.

21 (3) Fees prescribed by the board pursuant to this
22 section must be reasonably related to the costs incurred by
23 the board in carrying out its respective functions."

24 NEW SECTION. Section 10. Effective date. This act is
25 effective July 1, 1983.

STATE OF MONTANA

REQUEST NO. 332-83

FISCAL NOTE

Form BD-15

In compliance with a written request received February 5, 19 83, there is hereby submitted a Fiscal Note for House Bill 633 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. 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.

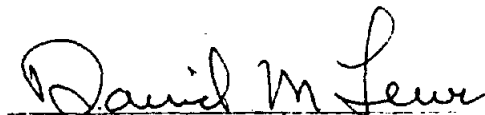
DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 633 requires the Department of Commerce to establish the renewal dates for certain professional and occupational licenses by rule; amends Sections 37-1-101, 37-9-304, 37-9-305, 37-10-307, 37-14-310, 37-30-307, 37-30-423, 37-67-315, and 37-69-308, MCA; and provides an effective date.

FISCAL IMPACT:

No Fiscal Impact Assumed.

FISCAL NOTE 11/S/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-9-83

1 STATEMENT OF INTENT

2 HOUSE BILL 633

3 House Business and Industry Committee
4

5 A statement of intent is required with House Bill 633
6 because it provides that the department of commerce may
7 establish renewal dates for certain licenses by rule.

8 It is the intention of the legislature that in the
9 promulgation of such rules, the department will consult with
10 the affected boards, and, where possible, the professions to
11 be regulated. It is the intention of this legislature that
12 in attempting to meet the needs of the department in
13 maintaining efficient licensing procedures, the needs of the
14 board and the professions regulated are given the closest
15 scrutiny and consideration.

SECOND READING

HB 633

Approved by Committee
on Business and Industry

HOUSE BILL NO. 633

INTRODUCED BY DONALDSON

BY REQUEST OF THE DEPARTMENT OF COMMERCE

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE
DEPARTMENT OF COMMERCE TO ESTABLISH THE RENEWAL DATES FOR
CERTAIN PROFESSIONAL AND OCCUPATIONAL LICENSES BY RULE;
AMENDING SECTIONS 37-1-101, 37-9-304, 37-9-305, 37-10-307,
37-14-310, 37-30-307, 37-30-423, 37-67-315, AND 37-69-307,
MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 37-1-101, MCA, is amended to read:

"37-1-101. Duties of department. In addition to the
provisions of 2-15-121, the department of commerce shall:

(1) provide all the administrative and clerical
services needed by the boards within the department,
including corresponding, taking applications for licenses,
issuing licenses granted by the boards, renewing licenses,
registering, taking minutes of board meetings and hearings,
and filing;

(2) standardize and keep in Helena all official
records of the boards;

(3) make arrangements and provide facilities in Helena
for the meetings, hearings, and examinations of each board

or elsewhere in the state if requested by the board;

(4) administer and grade examinations required by each
board or by law for licensing, unless the board determines
that experts or professionals are necessary to administer or
grade a particular examination;

(5) at the request of a board, investigate complaints
received by the department of illegal or unethical conduct
of a member of the profession or occupation under the
jurisdiction of a board within the department;

(6) assess the costs of the department to the boards
on an equitable basis as determined by the department;

~~(1) adopt rules establishing expiration dates of
licenses for barbers, barbershops, professional engineers,
land surveyors, nursing home administrators, optometrists,
plumbers, and radiologic technologists."~~

Section 2. Section 37-9-304, MCA, is amended to read:

"37-9-304. Fees. (1) Each person who applies for
licensure, whether by waiver, examination, or reciprocity,
shall be required to pay a fee prescribed by the board at
the time of application.

(2) Each person licensed as a nursing home
administrator shall be required to pay a license fee in an
amount to be fixed by the board. A license shall expire on
~~December 31 in the year for which it is issued each year on~~
~~a date set by rule of the department~~ and shall be renewable

1 annually upon timely payment of the license fee.

2 (3) Each person registered as an inactive nursing home
3 administrator shall be required to pay a registration fee in
4 the amount fixed by the board. An inactive registration
5 shall expire ~~on--December--31--in-the-year-for-which-it-is~~
6 ~~issued each year on a date established by rule of the~~
7 ~~department~~ and shall be renewable annually upon timely
8 payment of the inactive registration fee.

9 (4) The fee for issuing a duplicate license shall be
10 fixed by the board."

11 Section 3. Section 37-9-305, MCA, is amended to read:

12 "37-9-305. Renewal of registration and license. Every
13 holder of a nursing home administrator's registration and
14 license shall renew it annually by payment of the required
15 fee for the next subsequent year prior to the expiration
16 ~~date~~ of his currently valid registration and license on
17 ~~December--31~~. Renewals of registrations or licenses shall be
18 granted as a matter of course, providing the holder has
19 completed a continuing education course prescribed or
20 approved by the board; however, if the board finds, after
21 due notice and hearing, that the applicant has acted or
22 failed to act in such a manner or under circumstances as
23 would constitute grounds for suspension or revocation of a
24 registration and license, it shall not issue the renewal."

25 Section 4. Section 37-10-307, MCA, is amended to read:

1 "37-10-307. Annual renewal -- fee. A registered
2 optometrist who desires to continue the practice of
3 optometry in this state shall, ~~before the license expiration~~
4 ~~date established by rule of the department~~, annually before
5 ~~the~~ of each year pay to the department a renewal fee
6 prescribed by the board in return for which a renewal of
7 registration shall be issued. If a person fails or neglects
8 to procure his annual renewal of registration, his
9 certificate of registration shall be revoked by the board;
10 however, no certificate of registration may be revoked
11 without 90 days' notice having been given to the delinquent,
12 who within this period may renew his certificate of
13 registration on the payment of the renewal fee with a
14 penalty prescribed by the board."

15 Section 5. Section 37-14-310, MCA, is amended to read:

16 "37-14-310. Biennial renewal -- fee -- reissuance of
17 license. (1) Licenses expire on ~~December-31 of the date~~
18 ~~established by rule of the department~~ in the first
19 even-numbered year following the year of their issuance and
20 on every even-numbered year thereafter.

21 (2) A license shall be renewed by the board upon
22 payment of a license fee set by the board and submission of
23 a renewal application containing such information as the
24 board considers necessary to show that the applicant for
25 renewal is a radiologic technologist in good standing.

(3) A radiologic technologist who has been licensed in Montana and whose license has not been revoked or suspended and who has temporarily ceased activities as a radiologic technologist for not more than 5 years may apply for reissuance of a license upon complying with the provisions of this section, including payment of an application fee."

Section 6. Section 37-30-307, MCA, is amended to read:

"37-30-307. Fees -- handicapped persons exempted -- other fees prohibited. (1) The fee to be paid by an apprentice for an apprentice examination and an apprentice card shall be prescribed by the board.

(2) The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice barbering and for the issuance of the certificate shall be prescribed by the board.

(3) A person registered as a barber or barber apprentice shall, before ~~duty-i-of-each-year the expiration date established by rule of the department,~~ annually pay a license fee, set by the board based on clerical and administrative costs, for the renewal of his certificate of registration. If a barber fails to have the certificate renewed before ~~duty-i-of-each-year the expiration date,~~ the barber shall on renewal of the certificate of registration pay a penalty prescribed by the board in addition to the

regular renewal fee. If a certificate of registration is not renewed within 1 year after the date of expiration, the barber is not entitled to have the certificate of registration renewed or a new certificate of registration issued without first applying for and taking the examination and paying the fees provided for in this section.

(4) However, physically handicapped persons trained for the barber profession by the department of social and rehabilitation services and certified by that department as having successfully completed a 9-month course in a reputable barber college are not required to pay fees and are for a period of 1 year immediately following their training exempt from all except the sanitary provisions of this chapter.

(5) No other or additional license or fee may be imposed on barbers or barber apprentices by a municipality or other subdivision of this state."

Section 7. Section 37-30-423, MCA, is amended to read:

"37-30-423. Initial inspection fee -- renewal. (1) In addition to the fees and charges provided by law on March 11, 1939, barbershops established prior to that date and which had been under the inspection of the board shall pay an annual license fee set by the board based on clerical and administrative costs. Barbershops established after March 11, 1939, shall pay an initial inspection fee prescribed by

the board for the first year or portion thereof and shall pay an annual license fee set by the board.

(2) Barbershop, school, or college licenses, ~~once issued, expire on-duty-1-of-each-year-following-the-issuance of-the-license each year on the date established by rule of the department,~~ and an owner or manager of a barbershop, school, or college which continues in active operation shall annually, before ~~duy-1 the expiration date,~~ renew his barbershop, school, or college license and pay the required fee. A barbershop which fails to have the license renewed before ~~duy-1-of the expiration date~~ each year shall, on renewal, pay a penalty prescribed by the board, and a barber school or college which fails to have the license renewed before ~~duy-1-of the expiration date~~ each year shall, on renewal, pay a penalty prescribed by the board."

Section 8. Section 37-67-315, MCA, is amended to read:

"37-67-315. Annual ~~Biennial~~ renewal -- fee -- verification of competency. (1) Certificates of registration expire ~~on-December-31-of-the-appropriate-year every second year on the date established by rule of the department~~ and become invalid on that date unless renewed. The department shall notify every person registered under this chapter of the date of the expiration of his certificate and the amount of the fee required for its renewal for 2 years. This notice shall be mailed at least 1 month in advance of the date of

the expiration of the certificate. Renewal may be made ~~during-the-month-of-December-of-the-appropriate--year~~ prior to ~~the expiration date~~ by the payment of a fee as set by the board for either a professional engineer or land surveyor. For renewal of a dual license as both a professional engineer and land surveyor, the fee shall be set by the board.

(2) No certificate may be renewed unless the registrant submits a verified statement to the effect and the board is satisfied that he has maintained competency by:

(a) the continued practice of engineering or land surveying; or

(b) engaging in other activities that provide for the maintenance of competency as prescribed by board rule.

(3) Failure on the part of a registrant to renew his certificate biennially ~~in--the--month--of--December--of--the appropriate-year prior--to--the--expiration--date~~ does not deprive him of the right of renewal; however, a registrant who fails to pay the renewal fee for an additional year of the biennium shall be considered a new applicant and is required to submit a new application.

(4) The fee for any registrant who fails to renew his certificate ~~by-December-31-of-the-appropriate-year prior to the expiration date~~ shall be increased by an amount not to exceed 50% of his renewal fee. Renewal may not be completed

until all fees are paid."

Section 9. Section 37-69-307, MCA, is amended to read:

"37-69-307. Examination fee and annual renewal fee.

(1) No applicant for a master plumber's license may submit to the examinations prescribed by the board until he has deposited with the department an examination fee prescribed by the board, and no applicant for a journeyman plumber's license may submit to the examination prescribed by the board until he has deposited with the department an examination fee as prescribed by the board.

(2) A license when issued expires ~~1-year-from-the-date of-issuence each year on the date established by rule of the department.~~ A license issued to a master plumber or a journeyman plumber may be renewed annually without examination, at any time prior to its expiration, by a written request for its renewal directed to the department and the payment of a fee as set by the board for renewal of a master plumber's license or a fee as set by the board for renewal of a journeyman plumber's license. Renewal is for the period of 1 year.

(3) Fees prescribed by the board pursuant to this section must be reasonably related to the costs incurred by the board in carrying out its respective functions."

~~NEW SECTION.~~ Section 10. effective date. This act is effective ~~July-17-1983~~ JANUARY 1, 1984.

-End-

1 STATEMENT OF INTENT

2 HOUSE BILL 633

3 House Business and Industry Committee

4

5 A statement of intent is required with House Bill 633
6 because it provides that the department of commerce may
7 establish renewal dates for certain licenses by rule.

8 It is the intention of the legislature that in the
9 promulgation of such rules, the department will consult with
10 the affected boards, and, where possible, the professions to
11 be regulated. It is the intention of this legislature that
12 in attempting to meet the needs of the department in
13 maintaining efficient licensing procedures, the needs of the
14 board and the professions regulated are given the closest
15 scrutiny and consideration.

THIRD READING

HB 633

HOUSE BILL NO. 633

INTRODUCED BY DONALOSON

BY REQUEST OF THE DEPARTMENT OF COMMERCE

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE DEPARTMENT OF COMMERCE TO ESTABLISH THE RENEWAL DATES FOR CERTAIN PROFESSIONAL AND OCCUPATIONAL LICENSES BY RULE; AMENDING SECTIONS 37-1-101, 37-9-304, 37-9-305, 37-10-307, 37-14-310, 37-30-307, 37-30-423, 37-67-315, AND 37-69-307, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 37-1-101, MCA, is amended to read:

"37-1-101. Duties of department. In addition to the provisions of 2-15-121, the department of commerce shall:

(1) provide all the administrative and clerical services needed by the boards within the department, including corresponding, taking applications for licenses, issuing licenses granted by the boards, renewing licenses, registering, taking minutes of board meetings and hearings, and filing;

(2) standardize and keep in Helena all official records of the boards;

(3) make arrangements and provide facilities in Helena for the meetings, hearings, and examinations of each board

or elsewhere in the state if requested by the board;

(4) administer and grade examinations required by each board or by law for licensing, unless the board determines that experts or professionals are necessary to administer or grade a particular examination;

(5) at the request of a board, investigate complaints received by the department of illegal or unethical conduct of a member of the profession or occupation under the jurisdiction of a board within the department;

(6) assess the costs of the department to the boards on an equitable basis as determined by the department;

~~(7) adopt rules establishing expiration dates of licenses for barbers, barbershops, professional engineers, land surveyors, nursing home administrators, optometrists, plumbers, and radiologic technologists."~~

Section 2. Section 37-9-304, MCA, is amended to read:

"37-9-304. Fees. (1) Each person who applies for licensure, whether by waiver, examination, or reciprocity, shall be required to pay a fee prescribed by the board at the time of application.

(2) Each person licensed as a nursing home administrator shall be required to pay a license fee in an amount to be fixed by the board. A license shall expire on ~~December 31 in the year for which it is issued each year on~~ a date set by rule of the department and shall be renewable

1 annually upon timely payment of the license fee.

2 (3) Each person registered as an inactive nursing home
3 administrator shall be required to pay a registration fee in
4 the amount fixed by the board. An inactive registration
5 shall expire ~~on--December--31--in-the-year-for-which-it-is~~
6 ~~issued each year on a date established by rule of the~~
7 ~~department~~ and shall be renewable annually upon timely
8 payment of the inactive registration fee.

9 (4) The fee for issuing a duplicate license shall be
10 fixed by the board."

11 Section 3. Section 37-9-305, MCA, is amended to read:

12 "37-9-305. Renewal of registration and license. Every
13 holder of a nursing home administrator's registration and
14 license shall renew it annually by payment of the required
15 fee for the next subsequent year prior to the expiration
16 date of his currently valid registration and license on
17 ~~December--31~~. Renewals of registrations or licenses shall be
18 granted as a matter of course, providing the holder has
19 completed a continuing education course prescribed or
20 approved by the board; however, if the board finds, after
21 due notice and hearing, that the applicant has acted or
22 failed to act in such a manner or under circumstances as
23 would constitute grounds for suspension or revocation of a
24 registration and license, it shall not issue the renewal."

25 Section 4. Section 37-10-307, MCA, is amended to read:

1 "37-10-307. Annual renewal -- fee. A registered
2 optometrist who desires to continue the practice of
3 optometry in this state shall, ~~before the license expiration~~
4 ~~date established by rule of the department,~~ annually before
5 ~~due~~ 2 of each year pay to the department a renewal fee
6 prescribed by the board in return for which a renewal of
7 registration shall be issued. If a person fails or neglects
8 to procure his annual renewal of registration, his
9 certificate of registration shall be revoked by the board;
10 however, no certificate of registration may be revoked
11 without 90 days' notice having been given to the delinquent,
12 who within this period may renew his certificate of
13 registration on the payment of the renewal fee with a
14 penalty prescribed by the board."

15 Section 5. Section 37-14-310, MCA, is amended to read:

16 "37-14-310. Biennial renewal -- fee -- reissuance of
17 license. (1) Licenses expire on ~~December--31~~ of the date
18 ~~established by rule of the department~~ in the first
19 even-numbered year following the year of their issuance and
20 on every even-numbered year thereafter.

21 (2) A license shall be renewed by the board upon
22 payment of a license fee set by the board and submission of
23 a renewal application containing such information as the
24 board considers necessary to show that the applicant for
25 renewal is a radiologic technologist in good standing.

(3) A radiologic technologist who has been licensed in Montana and whose license has not been revoked or suspended and who has temporarily ceased activities as a radiologic technologist for not more than 5 years may apply for reissuance of a license upon complying with the provisions of this section, including payment of an application fee."

Section 6. Section 37-30-307, MCA, is amended to read:

"37-30-307. Fees -- handicapped persons exempted -- other fees prohibited. (1) The fee to be paid by an apprentice for an apprentice examination and an apprentice card shall be prescribed by the board.

(2) The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice barbering and for the issuance of the certificate shall be prescribed by the board.

(3) A person registered as a barber or barber apprentice shall, before ~~July 1 of each year the expiration date established by rule of the department,~~ annually pay a license fee, set by the board based on clerical and administrative costs, for the renewal of his certificate of registration. If a barber fails to have the certificate renewed before ~~July 1 of each year the expiration date,~~ the barber shall on renewal of the certificate of registration pay a penalty prescribed by the board in addition to the

regular renewal fee. If a certificate of registration is not renewed within 1 year after the date of expiration, the barber is not entitled to have the certificate of registration renewed or a new certificate of registration issued without first applying for and taking the examination and paying the fees provided for in this section.

(4) However, physically handicapped persons trained for the barber profession by the department of social and rehabilitation services and certified by that department as having successfully completed a 9-month course in a reputable barber college are not required to pay fees and are for a period of 1 year immediately following their training exempt from all except the sanitary provisions of this chapter.

(5) No other or additional license or fee may be imposed on barbers or barber apprentices by a municipality or other subdivision of this state."

Section 7. Section 37-30-423, MCA, is amended to read:

"37-30-423. Initial inspection fee -- renewal. (1) In addition to the fees and charges provided by law on March 11, 1939, barbershops established prior to that date and which had been under the inspection of the board shall pay an annual license fee set by the board based on clerical and administrative costs. Barbershops established after March 11, 1939, shall pay an initial inspection fee prescribed by

the board for the first year or portion thereof and shall pay an annual license fee set by the board.

(2) Barbershop, school, or college licenses, ~~once issued,~~ expire ~~on-duty-1-of-each-year-following-the-issuance of--the--license~~ each year on the date established by rule of the department, and an owner or manager of a barbershop, school, or college which continues in active operation shall annually, before ~~duty--1~~ the expiration date, renew his barbershop, school, or college license and pay the required fee. A barbershop which fails to have the license renewed before ~~duty-1-of the expiration date~~ each year shall, on renewal, pay a penalty prescribed by the board, and a barber school or college which fails to have the license renewed before ~~duty-1-of the expiration date~~ each year shall, on renewal, pay a penalty prescribed by the board."

Section 8. Section 37-67-315, MCA, is amended to read:

"37-67-315. Annual ~~Biennial~~ renewal -- fee -- verification of competency. (1) Certificates of registration expire ~~on-December-31-of-the-appropriate-year~~ every second year on the date established by rule of the department and become invalid on that date unless renewed. The department shall notify every person registered under this chapter of the date of the expiration of his certificate and the amount of the fee required for its renewal for 2 years. This notice shall be mailed at least 1 month in advance of the date of

the expiration of the certificate. Renewal may be made ~~during-the-month-of-December-of-the-appropriate--year~~ prior to the expiration date by the payment of a fee as set by the board for either a professional engineer or land surveyor. For renewal of a dual license as both a professional engineer and land surveyor, the fee shall be set by the board.

(2) No certificate may be renewed unless the registrant submits a verified statement to the effect and the board is satisfied that he has maintained competency by:

(a) the continued practice of engineering or land surveying; or

(b) engaging in other activities that provide for the maintenance of competency as prescribed by board rule.

(3) Failure on the part of a registrant to renew his certificate biennially ~~in--the--month--of--December--of--the appropriate-year~~ prior to the expiration date does not deprive him of the right of renewal; however, a registrant who fails to pay the renewal fee for an additional year of the biennium shall be considered a new applicant and is required to submit a new application.

(4) The fee for any registrant who fails to renew his certificate ~~by-December-31-of-the-appropriate-year~~ prior to the expiration date shall be increased by an amount not to exceed 50% of his renewal fee. Renewal may not be completed

1 until all fees are paid."

2 Section 9. Section 37-69-307, MCA, is amended to read:

3 "37-69-307. Examination fee and annual renewal fee.

4 (1) No applicant for a master plumber's license may submit
5 to the examinations prescribed by the board until he has
6 deposited with the department an examination fee prescribed
7 by the board, and no applicant for a journeyman plumber's
8 license may submit to the examination prescribed by the
9 board until he has deposited with the department an
10 examination fee as prescribed by the board.

11 (2) A license when issued expires ~~1-year-from-the-date~~
12 ~~of-issuance each year on the date established by rule of the~~
13 ~~department.~~ A license issued to a master plumber or a
14 journeyman plumber may be renewed annually without
15 examination, at any time prior to its expiration, by a
16 written request for its renewal directed to the department
17 and the payment of a fee as set by the board for renewal of
18 a master plumber's license or a fee as set by the board for
19 renewal of a journeyman plumber's license. Renewal is for
20 the period of 1 year.

21 (3) Fees prescribed by the board pursuant to this
22 section must be reasonably related to the costs incurred by
23 the board in carrying out its respective functions."

24 ~~NEW SECTION.~~ Section 10. Effective date. This act is
25 effective ~~July-14-1983~~ JANUARY 1, 1984.

-En1-

1 STATEMENT OF INTENT

2 HOUSE BILL 633

3 House Business and Industry Committee
4

5 A statement of intent is required with House Bill 633
6 because it provides that the department of commerce may
7 establish renewal dates for certain licenses by rule.

8 It is the intention of the legislature that in the
9 promulgation of such rules, the department will consult with
10 the affected boards, and, where possible, the professions to
11 be regulated. It is the intention of this legislature that
12 in attempting to meet the needs of the department in
13 maintaining efficient licensing procedures, the needs of the
14 board and the professions regulated are given the closest
15 scrutiny and consideration.

REFERENCE BILL

HB 633

HOUSE BILL NO. 633

INTRODUCED BY DONALDSON

BY REQUEST OF THE DEPARTMENT OF COMMERCE

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE DEPARTMENT OF COMMERCE TO ESTABLISH THE RENEWAL DATES FOR CERTAIN PROFESSIONAL AND OCCUPATIONAL LICENSES BY RULE; AMENDING SECTIONS 37-1-101, 37-9-304, 37-9-305, 37-10-307, 37-14-310, 37-30-307, 37-30-423, 37-67-315, AND 37-69-307, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 37-1-101, MCA, is amended to read:

"37-1-101. Duties of department. In addition to the provisions of 2-15-121, the department of commerce shall:

(1) provide all the administrative and clerical services needed by the boards within the department, including corresponding, taking applications for licenses, issuing licenses granted by the boards, renewing licenses, registering, taking minutes of board meetings and hearings, and filing;

(2) standardize and keep in Helena all official records of the boards;

(3) make arrangements and provide facilities in Helena for the meetings, hearings, and examinations of each board

or elsewhere in the state if requested by the board;

(4) administer and grade examinations required by each board or by law for licensing, unless the board determines that experts or professionals are necessary to administer or grade a particular examination;

(5) at the request of a board, investigate complaints received by the department of illegal or unethical conduct of a member of the profession or occupation under the jurisdiction of a board within the department;

(6) assess the costs of the department to the boards on an equitable basis as determined by the department;

~~(7) adopt rules establishing expiration dates of licenses for barbers, barbershops, professional engineers, land surveyors, nursing home administrators, optometrists, plumbers, and radiologic technologists."~~

Section 2. Section 37-9-304, MCA, is amended to read:

"37-9-304. Fees. (1) Each person who applies for licensure, whether by waiver, examination, or reciprocity, shall be required to pay a fee prescribed by the board at the time of application.

(2) Each person licensed as a nursing home administrator shall be required to pay a license fee in an amount to be fixed by the board. A license shall expire on December 31 in the year for which it is issued each year on a date set by rule of the department and shall be renewable

annually upon timely payment of the license fee.

(3) Each person registered as an inactive nursing home administrator shall be required to pay a registration fee in the amount fixed by the board. An inactive registration shall expire on ~~December--31--in the year for which it is issued each year on a date established by rule of the department~~ and shall be renewable annually upon timely payment of the inactive registration fee.

(4) The fee for issuing a duplicate license shall be fixed by the board."

Section 3. Section 37-9-305, MCA, is amended to read:

"37-9-305. Renewal of registration and license. Every holder of a nursing home administrator's registration and license shall renew it annually by payment of the required fee for the next subsequent year prior to the expiration date of his currently valid registration and license on ~~December--31~~. Renewals of registrations or licenses shall be granted as a matter of course, providing the holder has completed a continuing education course prescribed or approved by the board; however, if the board finds, after due notice and hearing, that the applicant has acted or failed to act in such a manner or under circumstances as would constitute grounds for suspension or revocation of a registration and license, it shall not issue the renewal."

Section 4. Section 37-10-307, MCA, is amended to read:

"37-10-307. Annual renewal -- fee. A registered optometrist who desires to continue the practice of optometry in this state shall ~~before the license expiration date established by rule of the department~~, annually before ~~July 2 of each year~~ pay to the department a renewal fee prescribed by the board in return for which a renewal of registration shall be issued. If a person fails or neglects to procure his annual renewal of registration, his certificate of registration shall be revoked by the board; however, no certificate of registration may be revoked without 90 days' notice having been given to the delinquent, who within this period may renew his certificate of registration on the payment of the renewal fee with a penalty prescribed by the board."

Section 5. Section 37-14-310, MCA, is amended to read:

"37-14-310. Biennial renewal -- fee -- reissuance of license. (1) Licenses expire on ~~December 31 of the date established by rule of the department~~ in the first even-numbered year following the year of their issuance and on every even-numbered year thereafter.

(2) A license shall be renewed by the board upon payment of a license fee set by the board and submission of a renewal application containing such information as the board considers necessary to show that the applicant for renewal is a radiologic technologist in good standing.

(3) A radiologic technologist who has been licensed in Montana and whose license has not been revoked or suspended and who has temporarily ceased activities as a radiologic technologist for not more than 5 years may apply for reissuance of a license upon complying with the provisions of this section, including payment of an application fee."

Section 6. Section 37-30-307, MCA, is amended to read:

"37-30-307. Fees -- handicapped persons exempted -- other fees prohibited. (1) The fee to be paid by an apprentice for an apprentice examination and an apprentice card shall be prescribed by the board.

(2) The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice barbering and for the issuance of the certificate shall be prescribed by the board.

(3) A person registered as a barber or barber apprentice shall, before ~~duty-i-of-each-year the expiration date established by rule of the department, annually~~ pay a license fee, set by the board based on clerical and administrative costs, for the renewal of his certificate of registration. If a barber fails to have the certificate renewed before ~~duty-i-of-each-year the expiration date~~, the barber shall on renewal of the certificate of registration pay a penalty prescribed by the board in addition to the

regular renewal fee. If a certificate of registration is not renewed within 1 year after the date of expiration, the barber is not entitled to have the certificate of registration renewed or a new certificate of registration issued without first applying for and taking the examination and paying the fees provided for in this section.

(4) However, physically handicapped persons trained for the barber profession by the department of social and rehabilitation services and certified by that department as having successfully completed a 9-month course in a reputable barber college are not required to pay fees and are for a period of 1 year immediately following their training exempt from all except the sanitary provisions of this chapter.

(5) No other or additional license or fee may be imposed on barbers or barber apprentices by a municipality or other subdivision of this state."

Section 7. Section 37-30-423, MCA, is amended to read:

"37-30-423. Initial inspection fee -- renewal. (1) In addition to the fees and charges provided by law on March 11, 1939, barbershops established prior to that date and which had been under the inspection of the board shall pay an annual license fee set by the board based on clerical and administrative costs. Barbershops established after March 11, 1939, shall pay an initial inspection fee prescribed by

1 the board for the first year or portion thereof and shall
2 pay an annual license fee set by the board.

3 (2) Barbershop, school, or college licenses, ~~once~~
4 ~~issued, expire on July 1 of each year following the issuance~~
5 ~~of the license each year on the date established by rule of~~
6 ~~the department~~, and an owner or manager of a barbershop,
7 school, or college which continues in active operation shall
8 annually, before ~~July 1~~ the expiration date, renew his
9 barbershop, school, or college license and pay the required
10 fee. A barbershop which fails to have the license renewed
11 before ~~July 1 of the expiration date~~ each year shall, on
12 renewal, pay a penalty prescribed by the board, and a barber
13 school or college which fails to have the license renewed
14 before ~~July 1 of the expiration date~~ each year shall, on
15 renewal, pay a penalty prescribed by the board."

16 Section 8. Section 37-67-315, MCA, is amended to read:

17 "37-67-315. Annual ~~Biennial~~ renewal -- fee --
18 verification of competency. (1) Certificates of registration
19 ~~expire on December 31 of the appropriate year every second~~
20 ~~year on the date established by rule of the department~~ and
21 become invalid on that date unless renewed. The department
22 shall notify every person registered under this chapter of
23 the date of the expiration of his certificate and the amount
24 of the fee required for its renewal for 2 years. This notice
25 shall be mailed at least 1 month in advance of the date of

1 the expiration of the certificate. Renewal may be made
2 ~~during the month of December of the appropriate year prior~~
3 ~~to the expiration date~~ by the payment of a fee as set by the
4 board for either a professional engineer or land surveyor.
5 For renewal of a dual license as both a professional
6 engineer and land surveyor, the fee shall be set by the
7 board.

8 (2) No certificate may be renewed unless the
9 registrant submits a verified statement to the effect and
10 the board is satisfied that he has maintained competency by:

11 (a) the continued practice of engineering or land
12 surveying; or

13 (b) engaging in other activities that provide for the
14 maintenance of competency as prescribed by board rule.

15 (3) Failure on the part of a registrant to renew his
16 certificate ~~biennially in the month of December of the~~
17 ~~appropriate year prior to the expiration date~~ does not
18 deprive him of the right of renewal; however, a registrant
19 who fails to pay the renewal fee for an additional year of
20 the biennium shall be considered a new applicant and is
21 required to submit a new application.

22 (4) The fee for any registrant who fails to renew his
23 certificate ~~by December 31 of the appropriate year prior to~~
24 ~~the expiration date~~ shall be increased by an amount not to
25 exceed 50% of his renewal fee. Renewal may not be completed

1 until all fees are paid."

2 Section 9. Section 37-69-307, MCA, is amended to read:

3 "37-69-307. Examination fee and annual renewal fee.

4 (1) No applicant for a master plumber's license may submit
5 to the examinations prescribed by the board until he has
6 deposited with the department an examination fee prescribed
7 by the board, and no applicant for a journeyman plumber's
8 license may submit to the examination prescribed by the
9 board until he has deposited with the department an
10 examination fee as prescribed by the board.

11 (2) A license when issued expires ~~1-year-from-the-date~~
12 ~~of-issuance each year on the date established by rule of the~~
13 ~~department.~~ A license issued to a master plumber or a
14 journeyman plumber may be renewed annually without
15 examination, at any time prior to its expiration, by a
16 written request for its renewal directed to the department
17 and the payment of a fee as set by the board for renewal of
18 a master plumber's license or a fee as set by the board for
19 renewal of a journeyman plumber's license. Renewal is for
20 the period of 1 year.

21 (3) Fees prescribed by the board pursuant to this
22 section must be reasonably related to the costs incurred by
23 the board in carrying out its respective functions."

24 NEW SECTION. Section 10. Effective date. This act is
25 effective July-17-1983 JANUARY 1, 1984.