# 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.
Harch 28, 1983	Third reading, concurred in. Ayes, 46; Noes, 1.

### IN THE HOUSE

March 28, 1983

March 29, 1983

Returned to House. Sent to enrolling. Reported correctly enrolled. LC 1213/01

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

l 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;

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 (71\_\_\_adopt\_\_\_rules\_\_establishing\_\_expiration\_\_dates\_\_of 13 licenses\_for\_barbers.\_barbershops.\_\_professional\_\_engineers. 14 land\_\_surveyors.\_\_nursing\_bome\_administrators.\_optometrists. 14 land\_\_surveyors.\_\_nursing\_bome\_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 reciprocation, 19 shall be-required-to pay a fee prescribed by the board at 10 licensure.

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 Becember-31-in-the-year-for-which-it-is-issued gach\_year\_on 25 a\_date\_set\_by\_rule\_of\_the\_department\_and\_shall be renewable

> -2- INTRODUCED BILL HIGOJZ

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1 annually upon timely payment of the license fee.

2 (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--Becember--Bi--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.

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 date of his currently valid registration and license on 16 Seconder--31. Renewals of registrations or licenses shall be 17 16 granted as a matter of course, providing the holder has completed a continuing education course prescribed or 19 20 approved by the board; however, if the board finds, after due notice and hearing, that the applicant has acted or 21 failed to act in such a manner or under circumstances as 22 23 would constitute grounds for suspension or revocation of a registration and license, it shall not issue the renewal." 24 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, <u>before the license expiration</u> date\_\_established\_by\_rule\_of\_the\_department. annually before 4 July-2-of-each-year pay to the department a renewal fee 5 prescribed by the board in return for which a renewal of 6 7 registration shall be issued. If a person fails or neglects R procure his annual renewal of registration, his to 9 certificate of registration shall be revoked by the boardi 10 however, no certificate of registration may be revoked 11 without 90 days' notice having been given to the delinguent, 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 Becember-31-of the date 18 <u>established\_by\_rule\_of\_the\_department\_in</u> 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 renewel is a radiologic technologist in good standing.

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1 (3) A radiologic technologist who has been licensed in z Montana and whose license has not been revoked or suspended 3 and who has temporarily ceased activities as a radiologic 4 technologist for not more than 5 years may apply for 5 reissuance of a license upon complying with the provisions 6 of this section, including payment of an application fee." 7 Section 6. Section 37-30-307, MCA, is amended to read: 8 \*37-30-307. Fees -- handicapped persons exempted -other fees prohibited. (1) The fee to be paid by an 9 10 apprentice for an apprentice examination and an apprentice 11 card shall be prescribed by the board.

12 (2) The fee to be paid by an applicant for an 13 examination to determine his fitness to receive a 14 certificate of registration to practice barbering and for 15 the issuance of the certificate shall be prescribed by the 16 board.

17 (3) A person registered as a barber or barber 18 apprentice shall, before duty-t-of-each-year the expiration 19 date established by rule of the department, annually pay a 20 license fee, set by the board based on clerical and 21 administrative costs, for the renewal of his certificate of 22 registration. If a barber fails to have the certificate renewed before suly-1-of-each-year the expiration date, the 23 barber shall on renewal of the certificate of registration 24 25 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.

7 (4) However, physically handicapped persons trained R for the barber profession by the department of social and 9 rehabilitation services and certified by that department as 10 having successfully completed a 9-month course in a reputable barber college are not required to pay fees and 11 12 are for a period of 1 year immediately following their 13 training exempt from all except the sanitary provisions of 14 this chapter.

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

18 Section 7. Section 37-30-423, MCA, is amended to read: 19 "37-30-423. Initial inspection fee -- renewal. (1) In 20 addition to the fees and charges provided by law on March 21 11, 1939, barbershops established prior to that date and 22 which had been under the inspection of the board shall pay 23 an annual license fee set by the board based on clerical and 24 administrative costs. Barbershops established after March 25 11, 1939, shall pay an initial inspection fee prescribed by

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

3 (2) Barbershop, school, or college licenses, once 4 issued: expire on-daty-t-of-cach-year-fottowing-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 duly--t the expiration date, renew his 9 barbershop, school, or college license and pay the required fee. A barbershop which fails to have the license renewed 10 11 before July-1-of the expiration date each year shall, on renewal, pay a penalty prescribed by the board, and a barber 12 13 school or college which fails to have the license renewed 14 before duty-i-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-Beccaber-31-of-the-appropriate-year every\_second 20 <u>year\_\_up\_\_the\_date\_established\_by\_rule\_of\_the\_department</u> and become invalid on that date unless renewed. The department 21 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-Becember-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.

(4) The fee for any registrant who fails to renew his
 certificate by-Becember-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

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#### LC 1213/01

1 until all fees are paid."

2 Section 9. Section 37-69-307+ MCA, is amended to read: \*37~69-307. Examination fee and annual renewal fee. 3 (1) No applicant for a master plumber's license may submit 4 5 to the examinations prescribed by the board until he has deposited with the department an examination fee prescribed 6 7 by the board, and no applicant for a journeyman plumber's license may submit to the examination prescribed by the 9 board until he has deposited with the department an 9 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 department. A license issued to a master plumber or a 13 journeyman plumber may be renewed annually without 14 15 examination, at any time prior to its expiration, by a 16 written request for its renewa) directed to the department 17 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 18 renewal of a journeyman plumber's license. Renewal is for 19 the period of 1 year. 20

(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."

24 <u>NEW\_SECIION</u> Section 10. Effective date. This act is 25 effective July 1, 1983.

-End-

### STATE OF MONTANA

REQUEST NO. 332-83

#### FISCAL NOTE

Form BD-15

In compliance with a written request received <u>February 5</u>, 19<u>83</u>, there is hereby submitted a Fiscal Note for <u>House Bill 633</u> 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:

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l	STATEMENT OF INTENT
2	HOUSE BILL 633
Э	House Business and Industry Committee
4	
5	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 required. 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

HB 0633/02

#### i8th Legislature

Approved by Committee on Business and Industry

1	HOUSE BILL NO. 633
2	INTRODUCED BY DONALDSON
3	BY REQUEST OF THE DEPARTMENT OF COMMERCE
4	

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE 5 6 DEPARTMENT OF COMMERCE TO ESTABLISH THE RENEWAL DATES FOR CERTAIN PROFESSIONAL AND OCCUPATIONAL LICENSES BY RULE; 7 8 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, 9 10 MCA; AND PROVIDING AN EFFECTIVE DATE."

11

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 Section 1. Section 37-1-101, MCA, is amended to read: 13 #37-1-101. Duties of department. In addition to the 14 provisions of 2-15-121, the department of commerce shall: 15 (1) provide all the administrative and clerical 16 services needed by the boards within the department, 17 18 including corresponding, taking applications for licenses, issuing licenses granted by the boards, renewing licenses, 19 registering, taking minutes of board meetings and hearings, 20 21 and filing;

(2) standardize and keep in Helena all official 22 23 records of the boards;

(3) make arrangements and provide facilities in Helena 24 25 for the meetings, hearings, and examinations of each board HB 0633/02

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;

(5) at the request of a board, investigate complaints 6 7 received by the department of illegal or unethical conduct of a member of the profession or occupation under the 8 9 jurisdiction of a board within the department;

10 (6) assess the costs of the department to the boards on an equitable basis as determined by the department: 11

12 (1) adopt rules establishing expiration dates of 13 licenses\_for\_barbers.\_barbersbons.\_professional\_\_engineers. 14 land\_surveyors+\_\_oursing\_bome\_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 reciprocation, 19 shall be-required-to pay a fee prescribed by the board at the time of application. 20

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 gach\_year\_\_on 25 a\_\_date\_set\_by\_rule\_of\_the\_department and shall be renewable

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HB 0633/02

HB 633

1 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--Becomber--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.

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: #37-9-305. Renewal of registration and license. Every 12 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 approved by the board; however, if the board finds, after 20 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 agended to read:

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\*37-10-307. Annual renewal -- fee. A registered 1 2 optometrist who desires to continue the practice of optometry in this state shall, before the license expiration 3 date\_established\_by\_rule\_of\_the\_department; annually before 4 duly-2-of-coch-year pay to the department a renewal fee 5 prescribed by the board in return for which a renewal of 6 registration shall be issued. If a person fails or neglects 7 to produce his annual renewal of registration, his 8 certificate of registration shall be revoked by the board; 9 however, no certificate of registration may be revoked 10 without 90 days' notice having been given to the delinquent. 11 who within this period may renew his certificate of 12 registration on the payment of the renewal fee with a 13 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 Becember-32-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.

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(3) A radiologic technologist who has been licensed in 1 2 Montana and whose license has not been revoked or suspended 3 and who has temporarily ceased activities as a radiologic 4 technologist for not more than 5 years may apply for 5 reissuance of a license upon complying with the provisions 6 of this section. Including payment of an application fee." 7 Section 6. Section 37-30-307, MCA, is amended to read: а #37-30-307. Fees -- handicapped persons exempted --9 other fees prohibited. (1) The fee to be paid by an 10 apprentice for an apprentice examination and an apprentice 11 card shall be prescribed by the board.

12 (2) The fee to be paid by an applicant for an 13 examination to determine his fitness to receive a 14 certificate of registration to practice barbering and for 15 the issuance of the certificate shall be prescribed by the 16 board.

(3) A person registered as a barber or barber 17 apprentice shall, before duly-l-of-each-year the expiration 12 19 date\_established\_by\_rule\_of\_the\_department, annually pay a license fee, set by the board based on clerical and 20 administrative costs, for the renewal of his certificate of 21 registration. If a barber fails to have the certificate 22 renewed before July-1-of-each-year the expiration\_date. the 23 barber shall on renewal of the certificate of registration 24 pay a penalty prescribed by the board in addition to the 25

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.

7 (4) However, physically handicapped persons trained 8 for the barber profession by the department of social and 9 rehabilitation services and certified by that department as 10 having successfully completed a 9-month course in a 11 reputable barber college are not required to pay fees and are for a period of 1 year immediately following their 12 13 training exempt from all except the sanitary provisions of 14 this chapter.

15 (5) No other or additional license or fee may be
16 imposed on barbers or barber apprentices by a municipality
17 or other subdivision of this state.<sup>m</sup>

18 Section 7. Section 37-39-423, MCA, is amended to read: "37-30-423. Initial inspection fee -- renewal. (1) In 19 20 addition to the fees and charges provided by law on March 11, 1939, barbershops established prior to that date and 21 22 which had been under the inspection of the board shall pay 23 an annual license fee set by the board based on clerical and 24 administrative costs. Barbershops established after March 25 11, 1939, shall pay an initial inspection fee prescribed by

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HB 633

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

3 (2) Barbershop, school, or college licenses, once 4 issued: expire on-duty-i-of-coch-year-fottowing-the-tasuance 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 duty-l-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 duty-t-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-Becember-32-of-the-oppropriate-year every\_\_second 20 <u>year\_\_pp\_\_the\_date\_established\_by\_rule\_of\_the\_department</u> 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 of the fee required for its renewal for 2 years. This notice 24 25 shall be mailed at least 1 month in advance of the date of

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the expiration of the certificate. Renewal may be made 1 during-the-month-of-December-of-the-appropriate--year prior 2 to the expiration date by the payment of a fee as set by the 3 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 7 board.

(2) No certificate may be renewed unless the 8 registrant submits a verified statement to the effect and 9 the board is satisfied that he has maintained competency by: 10 (a) the continued practice of engineering or land 11 12 surveying; or

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

15 (3) Failure on the part of a registrant to renew his 16 certificate biennially in--the--month--of--Becember-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 viennium 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 certificate by-Becember-31-of-the-appropriate-year prior to 23 the expiration date shall be increased by an amount not to 24 25 exceed 50% of his renewal fee. Renewal may not be completed

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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 (/) 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 written request for its renewal directed to the department 16 17 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 18 19 renewal of a journeyman plumber's license. Renewal is for 20 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."

24 <u>NEW\_SECIION</u> Section 10. Effective date. This act is

25 effective duty-ty-1903 JANUABY 1: 1984-

-End-

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1 -	STATEMENT OF INTENT
Z	HOUSE BILL 633
3	House Business and Industry Committee
4	
5	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

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1	HOUSE BILL NO. 633	1	or elsewhere in the state if requested by the board;
2	INTRODUCED BY DONALDSON	2	(4) administer and grade examinations required by each
3	BY REQUEST OF THE DEPARTMENT DF COMMERCE	3	board or by law for licensing, unless the board determines
4		4	that experts or professionals are necessary to administer or
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE	5	grade a particular examination;
6	DEPARTMENT OF COMMERCE TO ESTABLISH THE RENEWAL DATES FOR	6	(5) at the request of a board, investigate complaints
7	CERTAIN PROFESSIONAL AND OCCUPATIONAL LICENSES BY RULE:	7	received by the department of illegal or unethical conduct
8	AMENDING SECTIONS 37-1-101, 37-9-304, 37-9-305, 37-10-307,	8	of a member of the profession or occupation under the
9	37-14-310, 37-30-307, 37-30-423, 37-67-315, AND 37-69-307,	9	jurisdiction of a board within the department;
10	MCA; AND PROVIDING AN EFFECTIVE DATE."	10	(6) assess the costs of the department to the boards
11		11	on an equitable basis as determined by the department;
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	12	[7]adoptrulesestablishingexpirationdatesof
13	Saction 1. Section 37+1-101, NCA, is amended to read:	13	liceoses_for_barberse_barbersbopseprofessionalengineerse
14	"37-1-101. Duties of department. In addition to the	14	landsurveyorsoursing_bome_administrators_optometrists_
15	provisions of 2-15-121, the department of commerce shall:	15	plumbersand_radiologic_technologists."
16	(1) provide all the administrative and clerical	16	Section 2. Section 37-9-304, MCA, is amended to read:
17	services needed by the boards within the department,	17	#37+9-304. Fees. (1) Each person who applies for
18	including corresponding, taking applications for licenses,	18	licensure, whether by waiver, examination, or reciprocation,
19	issuing licenses granted by the boards, renewing licenses,	19	shall be-required-to pay a fee prescribed by the board at
20	registering, taking minutes of board meetings and hearings,	20	the time of application.
21	and filing;	21	(2) Each person licensed as a nursing home
22	(2) standardize and keep in Helena all official	22	administrator shall be-required-to pay a license fee in an
23	records of the boards;	23	amount tobe fixed by the board. A license shall expire on
24	(3) make arrangements and provide facilities in Helena	24	Becember-31-in-the-year-for-which-it-is-issued <u>gach_yearoo</u>
25	for the meetings, hearings, and examinations of each board	25	adate_set_by_rule_of_the_department_and_shall be renewable
			-2- 48 633

-2- HB 633 THIRD READING 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--Di--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 holder of a nursing home administrator's registration and 13 license shall renew it annually by payment of the required 14 15 fee for the next subsequent year prior to the expiration 16 date of his currently valid registration and license on 17 Becember--31. Renewals of registrations or licenses shall be 18 granted as a matter of course, providing the holder has completed a continuing education course prescribed or 19 approved by the board; however, if the board finds, after 20 21 due notice and hearing, that the applicant has acted or 22 failed to act in such a ganner 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:

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

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 Becember-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.

(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.

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1 (3) A radiologic technologist who has been licensed in 2 Montana and whose license has not been revoked or suspended 3 and who has temporarily ceased activities as a radiologic 4 technologist for not more than 5 years may apply for 5 reissuance of a license upon complying with the provisions 6 of this section, including payment of an application fee." 7 Section 6. Section 37-30-307, NCA, is amended to read: 8 "37-30-307. Fees -- handicapped persons exempted -other fees prohibited. (1) The fee to be paid by an 9 10 apprentice for an apprentice examination and an apprentice card shall be prescribed by the board. 11

12 (2) The fee to be paid by an applicant for an 13 examination to determine his fitness to receive a 14 certificate of registration to practice barbering and for 15 the issuance of the certificate shall be prescribed by the 16 board.

17 (3) A person registered as a barber or barber apprentice shall, before duty-i-of-each-year the expiration 18 19 date\_established\_by\_rule\_of\_the\_department, annually pay a license fee, set by the board based on clerical and 20 21 administrative costs, for the renewal of his certificate of 22 registration. If a barber fails to have the certificate renewed before duty-1-of-each-year the expiration\_date, the 23 24 barber shall on renewal of the certificate of registration pay a penalty prescribed by the board in addition to the 25

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.

7 (4) However, physically handicapped persons trained B for the barber profession by the department of social and 9 rehabilitation services and certified by that department as 10 having successfully completed a 9-month course in a 11 reputable barber college are not required to pay fees and 12 are for a period of 1 year immediately following their 13 training exempt from all except the sanitary provisions of 14 this chapter.

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

18 Section 7. Section 37-30-423, MCA, is amended to read: 19 "37-30-423. Initial inspection fee -- renewal. (1) In 20 addition to the fees and charges provided by law on March 21 11, 1939, barbershops established prior to that date and 22 which had been under the inspection of the board shall pay 23 an angual license fee set by the board based on clerical and 24 administrative costs. Barbershops established after March 25 11, 1939, shall pay an initial inspection fee prescribed by

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

3 (2) Barbershop, school, or college licenses, pace 4 issued: expire en-duty-1-of-each-year-fottowing-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~~? 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 before detw-l-of the expiration\_date each year shall. on 14 15 renewal, pay a penalty prescribed by the board."

Section 8. Section 37-67-315, MCA, is amended to read: 16 \*37-67-315. Annuel Biennial renewal -- fee --17 18 verification of competency. (1) Certificates of registration 19 expire on-Becember-32-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 of the fee required for its renewal for 2 years. This notice 24 shall be mailed at least 1 month in advance of the date of 25

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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

(b) engaging in other activities that provide for the
 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 plennium shall be considered a new applicant and is 21 reguired to submit a new application.

(4) The fee for any registrant who fails to renew his
 certificate by-Becomber-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

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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 journeyman clumber may be renewed annually without 14 15 examination, at any time prior to its expiration, by a written request for its renewal directed to the department 16 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 journeywan plumber's license. Renewal is for the period of 1 year. 20

(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.=

24 <u>YEW\_SECTION</u> Section 10. Effective date. This act is

#### 25 effective duty-iv-ies JANUARY\_11\_1984.

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HB 633

1	STATEMENT OF INTENT
2	HOUSE BILL 633
3	House Business and Industry Committee
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5	A statement of intent is required with House Bill 633
6	because it provides that the department of commarce 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 HB633 <u>,</u> 9.

HB 0633/02

1 HOUSE BILL NO. 633 ,**\*** 2 INTRODUCED BY DONALDSON Э BY REQUEST OF THE DEPARTMENT OF COMMERCE 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE 5 6 DEPARTMENT OF COMMERCE TO ESTABLISH THE RENEWAL DATES FOR CERTAIN PROFESSIONAL AND OCCUPATIONAL LICENSES BY RULE; 7 8 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, 9 10 MCA; AND PROVIDING AN EFFECTIVE DATE." 11 12 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,

19 issuing licenses granted by the boards, renewing licenses.
20 registering, taking minutes of board meetings and hearings.
21 and filing;

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

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

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or elsewhere in the state if requested by the board: 1 2 (4) administer and grade examinations required by each 3 board or by law for licensing, unless the board determines that experts or professionals are necessary to administer or 4 5 grade a particular examination; (5) at the request of a board, investigate complaints 6 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 (1) adopt rules establishing expiration dates of 13 licenses\_for\_barbers+\_barberShops+\_\_professional\_\_engineers+ 14 land\_surveyors\_\_oursing\_bone\_administrators\_optometrists. 15 plumbers. and radiologic\_technologists." Section 2. Section 37-9-304, MCA, is amended to read: 16 17 #37-9-304. Fees. [1] Each person who applies for 18 licensure, whether by waiver, examination, or reciprocation, 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 Becember-31-in-the-year-for-which-it-is-issued each\_xear\_\_on 24 a\_\_date\_set\_by\_rule\_of\_the\_decartment and shall be renewable 25

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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--Becember--3t--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 license shall renew it annually by payment of the required 14 15 fee for the next subsequent year prior to the expiration date of his currently valid registration and license on 16 Becember--31. Renewals of registrations or licenses shall be 17 granted as a matter of course, providing the holder has 18 19 completed a continuing education course prescribed or 20 approved by the board; however, if the board finds, after due notice and hearing, that the applicant has acted or 21 22 failed to act in such a manner or under circumstances as would constitute grounds for suspension or revocation of a 23 24 registration and license, it shall not issue the renewal." 25 Section 4. Section 37-10-307, MCA, is amended to read:

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\*37-10-307. Annual renewal -- fee. A registered 1 ontometrist who desires to continue the practice of 2 optometry in this state shall, <u>before the license expiration</u> 3 date\_established\_by\_rule\_of\_the\_department, annually before 4 5 July-2-of-each-year pay to the department a renewal fee prescribed by the board in return for which a renewal of 6 registration shall be issued. If a person fails or neglects 7 to procure his annual renewal of registration, his A 9 certificate of registration shall be revoked by the board; however, no certificate of registration may be revoked 10 11 without 90 days' notice having been given to the delinguent, who within this period may renew his certificate of 12 registration on the payment of the renewal fee with a 13 penalty prescribed by the board." 14 15 Section 5. Section 37-14-310, HCA, is amended to read:

16 "37-14-310. Biennial renewal --- fee -- reissuance of 17 license. (1) Licenses expire on Becember-32-of the date 18 <u>established\_by\_rule\_of\_tbe\_department\_in</u> 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.

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(3) A radiologic technologist who has been licensed in 1 2 Montana and whose license has not been revoked or suspended 3 and who has temporarily ceased activities as a radiologic technologist for not more than 5 years may apply for 4 5 reissuance of a license upon complying with the provisions 6 of this section, including payment of an application fee." 7 Section 6. Section 37-30-307, MCA, is amended to read: "37-30-307. Fees -- handicapped persons exempted --8 other fees prohibited. (1) The fee to be paid by an 9 10 apprentice for an apprentice examination and an apprentice card shall be prescribed by the board. 11

12 (2) The fee to be paid by an applicant for an 13 examination to determine his fitness to receive a 14 certificate of registration to practice barbering and for the issuance of the certificate shall be prescribed by the 15 16 board.

(3) A person registered as a barber or barber 17 apprentice shall, before duly-i-of-each-year the expiration 18 19 date\_established\_by\_rule\_of\_the\_department, annually pay a 20 license fee, set by the board based on clerical and administrative costs, for the renewal of his certificate of 21 registration. If a barber fails to have the certificate 22 renewed before daty-i-of-each-year the expiration\_date, the 23 barber shall on renewal of the certificate of registration 24 pay a penalty prescribed by the board in addition to the 25

regular renewal fea. If a certificate of registration is not 1 2 renewed within 1 year after the date of expiration, the 3 barber is not entitled to have the certificate of registration renewed or a new certificate of registration 4 issued without first applying for and taking the examination 5 and paying the fees provided for in this section.

7 (4) However, physically handlcapped persons trained R for the barber profession by the department of social and 9 rehabilitation services and certified by that department as 10 having successfully completed a 9-month course in a 11 reputable barber college are not required to pay fees and 12 are for a period of 1 year immediately following their 13 training exempt from all except the sanitary provisions of 14 this chapter.

15 (5) No other or additional license or fee may be 16 imposed on barbers or barber apprentices by a municipality or other subdivision of this state." 17

18 Section 7. Section 37+30-423, MCA, is amended to read: "37-30-423. Initial inspection fee ~- renewal. (1) In 19 20 addition to the fees and charges provided by law on March 21 11, 1939, barbershops established prior to that date and 22 which had been under the inspection of the board shall pay 23 an annual license fee set by the board based on clerical and administrative costs. Barbershops established after March 24 25 11. 1939. shall pay an initial inspection fee prescribed by

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the expiration of the certificate. Renewal may be made

the board for the first year or portion thereof and shall

pay an annual license fee set by the board.	2	during-the-month-of-December-of-the-sppropristeyear <u>D</u> IDL
(2) Barbershop, school, or college licenses, once	з	to the expiration date by the payment of a fee as set by the
issued: expire on-july-1-of-each-year-following-the-lasuance	4	board for either a professional engineer or land surveyor.
ofthe-license <u>each year on the date established by rule of</u>	5	For renewal of a dual license as both a professional
the department, and an owner or manager of a barbershop,	6	engineer and land surveyor, the fee shall be set by the
school, or college which continues in active operation shall	7	board.
annually, before <del>duly1 <u>the expiration</u> date, r</del> enew his	8	(2) No certificate may be renewed unless the
barbershop; school; or college license and pay the required	9	registrant' submits a verified statement to the effect and
fee. A barbershop which fails to have the license renewed	10	the board is satisfied that he has maintained computency by:
before <del>July-1-of the expiration date</del> each year shall, on	11	(a) the continued practice of engineering or land
renewal, pay a penalty prescribed by the board, and a barber	12	surveying; or
school or college which fails to have the license renewed	13	(b) engaging in other activities that provide for the
before <del>July-1-of the expiration date</del> each year shall, on	14	maintenance of competency as prescribed by board rule-
renewal, pay a penalty prescribed by the board."	15	(3) Failure on the part of a registrant to renew his
Section 8. Section 37-67-315, MCA, is amended to read:	16	certificate biennially in-themonthofDecember-of-the
#37-67-315. Annuel <u>Biennial</u> renewal fee	17	<del>oppropriate-year prior_io_ihe_expiration_date</del> does not
verification of competency. (1) Certificates of registration	18	deprive him of the right of renewal; however, a registrant
expire on-December-31-of-the-appropriate-year everysecond	19	who fails to pay the renewal fee for an additional year of
year_on_the_date_established_by_rule_of_the_department and	20	the biennium shall be considered a new applicant and is
become invalid on that date unless renewed. The department	21	required to submit a new application.
shall notify every person registered under this chapter of	22	(4) The fee for any registrant who fails to renew his
the date of the expiration of his certificate and the amount	23	certificate by-Becember-31-of-the-appropriate-year prior_to
of the fee required for its renewal for 2 years. This notice	24	the expiration date shall be increased by an amount not to
shall be mailed at least 1 month in advance of the date of	25	exceed 50% of his renewal fee. Renewal may not be completed
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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. (1) No applicant for a master plumber's license may submit 4 5 to the examinations prescribed by the board until he has deposited with the department an examination fee prescribed 6 7 by the board, and no applicant for a journeyman plumber's license may submit to the examination prescribed by the 8 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 written request for its renewal directed to the department 16 and the payment of a fee as set by the board for renewal of 17 a master plumber's license or a fee as set by the board for 18 19 renewal of a journeyman plumber's license. Renewal is for 20 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."

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