HOUSE BILL NO. 386

INTRODUCED BY CODY, DARKO, VAUGHN

BY REQUEST OF THE BOARD OF CHIROPRACTORS

IN THE HOUSE

- JANUARY 21, 1987 INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & LABOR.
- FEBRUARY 3, 1987 COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
- FEBRUARY 4, 1987 PRINTING REPORT.

11

- FEBRUARY 5, 1987 SECOND READING, DO PASS.
- FEBRUARY 6, 1987 ENGROSSING REPORT.

THIRD READING, PASSED. AYES, 93; NOES, 6.

TRANSMITTED TO SENATE.

- IN THE SENATE
- FEBRUARY 10, 1987 INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY.
- FEBRUARY 20, 1987 COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
- MARCH 2, 1987 SECOND READING, CONCURRED IN.
- MARCH 4, 1987 THIRD READING, CONCURRED IN. AYES, 48; NOES, 1.
 - RETURNED TO HOUSE.
 - IN THE HOUSE
- MARCH 5, 1987 RECEIVED FROM SENATE.
 - SENT TO ENROLLING.
- MARCH 6, 1987 ENROLLING REPORT.

MARCH	6, 1987	SIGNED BY SPEAKER.
		IN THE SENATE
MARCH	7, 1987	SIGNED BY PRESIDENT.
		IN THE HOUSE
MARCH	9, 1987	DELIVERED TO GOVERNOR.
MARCH	16, 1987	RETURNED FROM GOVERNOR WITH RECOMMENDED AMENDMENTS.
MARCH	19, 1987	SECOND READING, GOVERNOR'S RECOM- MENDED AMENDMENTS CONCURRED IN.
MARCH	20, 1987	THIRD READING, GOVERNOR'S RECOM- MENDED AMENDMENTS CONCURRED IN.
		TRANSMITTED TO SENATE.
		IN THE SENATE
MARCH	23, 1987	SECOND READING, GOVERNOR'S RECOM- MENDED AMENDMENTS CONCURRED IN.
MARCH	24, 1987	THIRD READING, GOVERNOR'S RECOM- MENDED AMENDMENTS CONCURRED IN.
		RETURNED TO HOUSE.
		IN THE HOUSE
MARCH	24, 1987	RECEIVED FROM SENATE.
		SENT TO ENROLLING.

LC 1371/01

House BILL NO. 386 INTRODUCED BY Act, Darko, Vaughn 1 2 BY REQUEST OF THE BOARD OF CHIROPRACTORS 3 4 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE RULEMAKING AUTHORITY OF THE BOARD OF CHIROPRACTORS; TO 6 ESTABLISH INACTIVE STATUS REQUIREMENTS AND FEES FOR INACTIVE 7 8 STATUS; AMENDING SECTIONS 37-12-201, 37-12-307. AND 37-12-309, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 37-12-201, MCA, is amended to read: 12 "37-12-201. Organization of board -- meetings --13 powers and duties. (1) The board shall elect annually a 14 president, vice-president, and secretary-treasurer from its 15 16 membership. (2) The board shall hold a regular meeting each year 17 at Helena and shall hold special meetings at times and 18 places as a majority of the board designates. Not-more-than 19 20 four-meetings-may-be-held-in-any-one-year: A majority of the 21 board constitutes a quorum. (3) The board may shall: 22 (a) administer oaths, take affidavits, summon 23 witnesses, and take testimony as to matters coming within 24 the scope of the board+; It-shall 25

Montana Legislative Council

1 (b) adopt a seal which shall be affixed to licenses issued; and--shall-make-rules-necessary-for-the-performance 2 З of-its-duties--It-shall educational (c) make a schedule of minimum requirements, which are without prejudice, partiality, or 5 6 discrimination, as to the different of schools chiropractic; 7 (d) adopt rules necessary for the implementation, 8 administration, continuation, and enforcement of this 9 10 chapter. The rules must address but are not limited to license applications, form and display of license, license 11 examination format, criteria for and grading of 12 13 examinations, and disciplinary standards for licensees; 14 (e) investigate complaints; 15 (f) make determinations of the gualifications of 16 applicants under this chapter; 17 (g) administer the examination for licensure under 18 this chapter; (h) collect fees and charges prescribed in this 19 20 chapter; and (i) issue, suspend, or revoke licenses under the 21 22 conditions prescribed in this chapter. 23 (4) The department shall keep a record of the proceedings of the board which shall at all times be open to 24 public inspection." 25

-2- INTRODUCED BILL HB-386

LC 1371/01

1 Section 2. Section 37-12-307, MCA, is amended to read: "37-12-307. Annual renewal of license -- fee fees --2 continuing education required -- inactive status. (1) A 3 license expires on September 1 of each year and shall be 4 renewed by the department on payment of a renewal fee, as 5 by the board, and the presentation of evidence 6 set satisfactory to the board that the licensee, in the year 7 preceding the application for renewal, attended and 8 9 successfully completed a postgraduate educational program 10 for chiropractors approved by the board. All applicants for 11 renewal who have not paid the renewal fee prior to October 1 12 of each year shall pay an additional late fee prescribed by 13 the board.

14 (2) The board shall by rule set standards for inactive
15 status. It shall charge an annual fee for a license placed
16 on inactive status.

17 (3) An inactive license may be reinstated to active
18 status upon payment of a fee and completion of the
19 continuing education requirements set by the board."
20 Section 3. Section 37-12-309, MCA, is amended to read:

21 "37-12-309. Municipal license fee prohibited. No
22 license fee or license tax may be imposed upon doctors of
23 chiropractic as a condition to the practice of their
24 profession by a municipality or any other political
25 subdivision of the state, including a local government with

1 self-governing powers."

<u>NEW SECTION.</u> Section 4. Extension of authority. Any
existing authority of the board of chiropractors to make
rules on the subject of the provisions of this act is
extended to the provisions of this act.

NEW SECTION. Section 5. Effective date. This act is
effective on passage and approval.

-End-

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STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB386, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to clarify the Board of Chiropractors rule-making authority and to establish inactive status requirements and fees for such licenses.

ASSUMPTIONS:

1. Assume that currently there will be no added costs for additional board meetings.

2. Assume that the only new rules required will be those concerning licenses for inactive status.

3. Assume there will be 36 inactive status licenses at a fee of \$50.

4. Assume the cost of adopting the rules will be \$300 based on past experience.

5. Assume any additional work load can be handled by existing program staff and income from the inactive license fees will be adequate enough to cover any additional overhead costs.

FISCAL IMPACT:	FY88			FY89				
· · · · · · · · · · · · · · · · · · ·	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difi	ference	ennium fference
Expenditures Earmarked Special Revenue		\$27,642	\$ 300	\$26,005	\$26,005	\$	0	\$ 300
Revenues: Earmarked Special Revenue	\$31,000	\$32,800	\$ 1,800	\$31,000	\$32,800	\$	1,800	\$ 3,600

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

The only impact on county or other local revenue or expenditures is that under Section (3), which amends Section 37-12-309, MCA. Local governments with self-governing powers, will be prohibited from licensing chiropractors at the local level.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

More persons will continue their license on an inactive status rather than allowing them to lapse, thus giving the board more funds to carry out statutory intent.

TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION: Not apparent.

DATE

DAVID L. HUNTER, BUDGET DIRECTOR A Office of Budget and Program Planning

DATE /

DOROTHY CODY J PRIMARY SPONSOR

Fiscal Note for HB386. as introduced.

50th Legislature

LC 1371/01

APPROVED BY COMM. ON BUSINESS AND LABOR

1	House BILL NO. 316	1	<u>(b)</u> adopt
2	INTRODUCED BY Cade, Darko, Vaughon	2	issued; andst
3	BY REQUEST OF THE BOARD OF CHIROPRACTORS	3	of-its-duties
4		4	<u>(c)</u> make
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE	5	requirements, v
6	RULEMAKING AUTHORITY OF THE BOARD OF CHIROPRACTORS; TO	6	discrimination,
7	ESTABLISH INACTIVE STATUS REQUIREMENTS AND FEES FOR INACTIVE	7	chiropractic+;
8	STATUS; AMENDING SECTIONS 37-12-201, 37-12-307, AND	8	(d) adopt
9	37-12-309, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."	9	administration,
10		10	chapter. The
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	11	license applica
12	Section 1. Section 37-12-201, MCA, is amended to read:	1 2	examination
13	"37-12-201. Organization of board meetings	13	examinations, an
14	powers and duties. (1) The board shall elect annually a	14	(e) inves
15	president, vice-president, and secretary-treasurer from its	15	(f) make
16	membership.	16	applicants under
17	(2) The board shall hold a regular meeting each year	17	(g) admin
18	at Helena and shall hold special meetings at times and	18	this chapter;
19	places as a majority of the board designates. Not-more-than	19	(h) colled
20	four-meetings-may-be-held-in-any-one-year- A majority of the	20	chapter; and
21	board constitutes a quorum.	21	(i) issue
22	(3) The board may shall:	22	conditions pres
23	(a) administer oaths, take affidavits, summon	23	<u>(4)</u> The c
24	witnesses, and take testimony as to matters coming within	24	proceedings of
25	the scope of the board ; ft-shall	25	public inspection

a seal which shall be affixed to licenses hall-make-rules-necessary-for-the-performance It-shall а schedule of minimum educational which are without prejudice, partiality, or the different as to schools o£ rules necessary for the implementation, continuation, and enforcement of this rules must address but are not limited to tions, form and display of license, license format, criteria for and grading of nd disciplinary standards for licensees; tigate complaints; determinations of the qualifications of r this chapter; ister the examination for licensure under ct fees and charges prescribed in this , suspend, or revoke licenses under the cribed in this chapter. department shall keep a record of the the board which shall at all times be open to on."



-2- SECOND READING HB-386

LC 1371/01

Section 2. Section 37-12-307, MCA, is amended to read: 1 2 "37-12-307. Annual renewal of license -- fee fees --3 continuing education required -- inactive status. (1) A license expires on September 1 of each year and shall be 4 renewed by the department on payment of a renewal fee, as 5 6 set by the board, and the presentation of evidence 7 satisfactory to the board that the licensee, in the year preceding the application for renewal, attended and 8 successfully completed a postgraduate educational program 9 for chiropractors approved by the board. All applicants for 10 11 renewal who have not paid the renewal fee prior to October 1 12 of each year shall pay an additional late fee prescribed by 13 the board.

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15 status. It shall charge an annual fee for a license placed
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20 Section 3. Section 37-12-309, MCA, is amended to read: 21 "37-12-309. Municipal license fee prohibited. No 22 license fee or license tax may be imposed upon doctors of 23 chiropractic as a condition to the practice of their 24 profession by a municipality or any other political 25 subdivision of the state, including a local government with 1 self-governing powers."

NEW SECTION. Section 4. Extension of authority. Any
existing authority of the board of chiropractors to make
rules on the subject of the provisions of this act is
extended to the provisions of this act.

6 <u>NEW SECTION.</u> Section 5. Effective date. This act is 7 effective on passage and approval.

-End-

LC 1371/01

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ntana Legislative Council

INTRODUCED BY Meding, Darko, Vaughon 1 1 2 2 BY REQUEST OF THE BOARD OF CHIROPRACTORS ٦ 3 4 4 5 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE 6 RULEMAKING AUTHORITY OF THE BOARD OF CHIROPRACTORS; TO 6 7 ESTABLISH INACTIVE STATUS REQUIREMENTS AND FEES FOR INACTIVE 7 8 STATUS; AMENDING SECTIONS 37-12-201, 37-12-307, AND 8 37-12-309, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." 9 9 10 10 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 12 Section 1. Section 37-12-201, MCA, is amended to read: 12 "37-12-201. Organization of board -- meetings --13 13 powers and duties. (1) The board shall elect annually a 14 14 15 president, vice-president, and secretary-treasurer from its 15 16 16 membership. 17 (2) The board shall hold a regular meeting each year 17 18 18 at Helena and shall hold special meetings at times and places as a majority of the board designates. Not-more-than 19 19 four-meetings-may-be-held-in-any-one-year- A majority of the 20 20 21 21 board constitutes a quorum. 22 (3) The board may shall: 22 (a) administer oaths, take affidavits, 23 23 summon 24 witnesses, and take testimony as to matters coming within 24 25 25 the scope of the board-; It-shall

(b) adopt a seal which shall be affixed to licenses issued; and--shall-make-rules-necessary-for-the-performance Af-its-duties--It-shall minimum educational (c) make a schedule of requirements, which are without prejudice, partiality, or to the different. schools discrimination, as of chiropractic₇; (d) adopt rules necessary for the implementation, administration, continuation, and enforcement of this chapter. The rules must address but are not limited to license applications, form and display of license, license examination format, criteria for and grading of examinations, and disciplinary standards for licensees; (e) investigate complaints; (f) make determinations of the qualifications of applicants under this chapter; (g) administer the examination for licensure under this chapter; (h) collect fees and charges prescribed in this chapter; and (i) issue, suspend, or revoke licenses under the conditions prescribed in this chapter. (4) The department shall keep a record of the proceedings of the board which shall at all times be open to public inspection."

-2- THIRD READING

1 Section 2. Section 37-12-307, MCA, is amended to read: 2 "37-12-307. Annual renewal of license -- fee fees -continuing education required -- inactive status. (1) A 3 4 license expires on September 1 of each year and shall be 5 renewed by the department on payment of a renewal fee, as by the board, and the presentation of evidence 6 set satisfactory to the board that the licensee, in the year 7 8 preceding the application for renewal, attended and 9 successfully completed a postgraduate educational program for chiropractors approved by the board. All applicants for 10 11 renewal who have not paid the renewal fee prior to October 1 of each year shall pay an additional late fee prescribed by 12 13 the board.

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-End-

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membership.

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HB 0386/02

HOUSE BILL NO. 386 INTRODUCED BY CODY, DARKO, VAUGHN BY REQUEST OF THE BOARD OF CHIROPRACTORS A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE RULEMAKING AUTHORITY OF THE BOARD OF CHIROPRACTORS; TO ESTABLISH INACTIVE STATUS REQUIREMENTS AND FEES FOR INACTIVE STATUS; AMENDING SECTIONS 37-12-201, 37-12-307. AND 37-12-309, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." 10 1 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 1: Section 1. Section 37-12-201, MCA, is amended to read: 1 "37-12-201. Organization of board -- meetings --1 powers and duties. (1) The board shall elect annually a 1 president, vice-president, and secretary-treasurer from its 11 1 (2) The board shall hold a regular meeting each year 1 at Helena and shall hold special meetings at times and 1 places as a majority of the board designates. Not-more-than 20 four-meetings-may-be-held-in-any-one-year- A majority of the 2 board constitutes a quorum. 23 (3) The board may shall: 2 (a) administer oaths, take affidavits, summon 24 witnesses, and take testimony as to matters coming within

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1	(b) adopt a seal which shall be affixed to licenses
2	issued; andshall-make-rules-necessary-for-the-performance
3	of-its-dutiesIt-shall
4	(C) make a schedule of minimum educational
5	requirements, which are without prejudice, partiality, or
6	discrimination, as to the different schools of
7	chiropractic;
8	(d) adopt rules necessary for the implementation,
9	administration, continuation, and enforcement of this
10	chapter. The rules must address but are not limited to
11	license applications, form and display of license, license
12	examination format, criteria for and grading of
13	examinations, and disciplinary standards for licensees;
14	(e) investigate complaints;
15	(f) make determinations of the qualifications of
16	applicants under this chapter;
17	(g) administer the examination for licensure under
18	this chapter;
19	(h) collect fees and charges prescribed in this
20	chapter; and
21	(i) issue, suspend, or revoke licenses under the
22	conditions prescribed in this chapter.
23	(4) The department shall keep a record of the
24	proceedings of the board which shall at all times be open to
25	public inspection."

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REFERENCE BILL

HB 386

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23 chiropractic as a condition to the practice of their
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25 subdivision of the state, including a local government with

-3-

1 self-governing powers."

<u>NEW SECTION.</u> Section 4. Extension of authority. Any
existing authority of the board of chiropractors to make
rules on the subject of the provisions of this act is
extended to the provisions of this act.

6 NEW SECTION. Section 5. Effective date. This act is

7 effective on passage and approval.

-End-

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PROPOSED GOVERNOR'S AMENDMENT

TO HOUSE BILL 386

REFERENCE COPY

- 1. Title, line 5. Following: "ENTITLED: "AN ACT" Insert: "TO ALLOW THE BOARD OF CHIROPRACTORS TO HOLD MORE THAN FOUR MEETINGS A YEAR;"
- 2. Title, line 6. Following: "BOARD" Strike: "OF CHIROPRACTORS"
- 3. Title, line 8. Following: "STATUS;" Insert: "PROHIBITING LOCAL GOVERNMENTS WITH SELF-GOVERNING POWERS FROM IMPOSING LICENSING FEES OR TAXES ON CHIROPRACTORS;

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1	HOUSE BILL NO. 386	1	(3) The board
2	INTRODUCED BY CODY, DARKO, VAUGHN	2	<u>(a)</u> administe
3	BY REQUEST OF THE BOARD OF CHIROPRACTORS	3	witnesses, and ta
4		4	the scope of the bo
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE BOARD OF	5	<u>(b)</u> adopt a s
6	CHIROPRACTORS TO HOLD NORE THAN FOUR MEETINGS A YEAR; TO	6	issued <u>;</u> andshall
7	CLARIPY THE RULEMAKING AUTHORITY OF THE BOARD OF	7	of-its-dutiesIt-s
8	CHIRGPRACTORS; TO ESTABLISH INACTIVE STATUS REQUIREMENTS AND	8	<u>(c)</u> make a
9	PEES FOR INACTIVE STATUS; PROHIBITING LOCAL GOVERNMENTS WITH	9	requirements, whic
10	SELF-GOVERNING POWERS FROM IMPOSING LICENSING FEES OR TAXES	10	discrimination, a
11	ON CHIROPRACTORS; AMENDING SECTIONS 37-12-201, 37-12-307,	11	chiropractic .
12	AND 37-12-309, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE	12	(d) adopt ru
13	DATE."	13	administration, co
14		14	chapter. The rule
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	15	license application
16	Section 1. Section 37-12-201, MCA, is amended to read:	16	examination form
17	*37-12-201. Organization of board meetings	17	examinations, and d
18	powers and duties. (1) The board shall elect annually a	18	(e) investiga
19	president, vice-president, and secretary-treasurer from its	19	(f) make det
20	membership.	20	applicants under th
21	(2) The board shall hold a regular meeting each year	21	(g) administe
22	at Belena and shall hold special meetings at times and	22	this chapter;
23	places as a majority of the board designates. Not-more-than	23	(h) collect
24	four-meetings-may-be-held-in-any-one-year. A majority of the	24	chapter; and
25	board constitutes a quorum.	25	(i) issue, s

Mongana Legislative Council

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HB 0386/03

1	(3) The board may shall:
2	(a) administer oaths, take affidavits, summon
3	witnesses, and take testimony as to matters coming within
4	the scope of the board; it-shall
5	(b) adopt a seal which shall be affixed to licenses
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7	of-its-dutiesIt-shall
8	(c) make a schedule of minimum educational
9	requirements, which are without prejudice, partiality, or
10	discrimination, as to the different schools of
11	chiropractic= <u>;</u>
12	(d) adopt rules necessary for the implementation,
13	administration, continuation, and enforcement of this
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15	license applications, form and display of license, license
16	examination format, criteria for and grading of
17	examinations, and disciplinary standards for licensees;
18	(e) investigate complaints;
19	(f) make determinations of the qualifications of
20	applicants under this chapter;
21	(g) administer the examination for licensure under
22	this chapter;
23	(h) collect fees and charges prescribed in this
24	chapter; and
25	(i) issue, suspend, or revoke licenses under the

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REFERENCE BILL: INCLUDES GOVERNOR'S AMENDMENTS DATED 3-14-87

1 conditions prescribed in this chapter.

2 (4) The department shall keep a record of the
3 proceedings of the board which shall at all times be open to
4 public inspection."

5 Section 2. Section 37-12-307, MCA, is amended to read: 6 *37-12-307. Annual renewal of license -- fee fees -continuing education required -- inactive status. (1) A 7 license expires on September 1 of each year and shall be 8 renewed by the department on payment of a renewal fee, as 9 10 set by the board, and the presentation of evidence 11 satisfactory to the board that the licensee, in the year preceding the application for renewal, attended and 12 13 successfully completed a postgraduate educational program 14 for chiropractors approved by the board. All applicants for renewal who have not paid the renewal fee prior to October 1 15 of each year shall pay an additional late fee prescribed by 16 17 the board.

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19 status. It shall charge an annual fee for a license placed
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25 "37-12-309. Municipal license fee prohibited. No

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HB 386

1 license fee or license tax may be imposed upon doctors of 2 chiropractic as a condition to the practice of their 3 profession by a municipality or any other political 4 subdivision of the state, including a local government with 5 self-governing powers."

6 <u>NEW SECTION.</u> Section 4. Extension of authority. Any 7 existing authority of the board of chiropractors to make 8 rules on the subject of the provisions of this act is 9 extended to the provisions of this act.

10 <u>NEW SECTION.</u> Section 5. Effective date. This act is 11 effective on passage and approval.

-End-

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