

HOUSE BILL NO. 285

INTRODUCED BY R. BROWN, GALLIK, LASZLOFFY, MCGEE, MCKENNEY, MOOD, F. THOMAS,
WANZENRIED

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO MILITARY STATUS; PROVIDING THAT A PUBLIC HIGH SCHOOL ~~MAY NOT PROHIBIT~~ SHALL PROVIDE EQUAL ACCESS TO U.S. ARMED FORCES RECRUITERS FROM VISITING THE CAMPUS AS OTHER RECRUITERS; PROTECTING THE ELECTION LAW RESIDENCY RIGHTS OF A RESERVE MEMBER OF THE U.S. ARMED FORCES ACTIVATED TO FEDERAL MILITARY DUTY; PROHIBITING CERTAIN ADVERSE ACTIONS RELATED TO THE PROFESSIONAL LICENSURE OF A RESERVE MEMBER OF THE U.S. ARMED FORCES WHO IS ACTIVATED TO FEDERAL MILITARY DUTY FOR AN EXTENDED LENGTH OF TIME; AMENDING SECTIONS 13-1-112, 27-12-206, 37-1-105, 37-1-136, 37-3-313, 37-3-346, 37-4-307, 37-4-406, 37-5-307, 37-6-304, 37-7-303, 37-8-431, 37-9-305, 37-10-307, 37-11-201, 37-11-308, 37-12-307, 37-13-306, 37-14-310, 37-15-308, 37-16-407, 37-17-306, 37-17-307, 37-18-307, 37-19-306, 37-20-302, 37-21-302, 37-22-304, 37-23-205, 37-24-308, 37-25-307, 37-26-201, 37-27-105, 37-28-203, 37-29-306, 37-31-322, 37-32-305, 37-34-201, 37-35-203, 37-40-304, 37-42-308, 37-43-307, 37-43-313, 37-47-307, 37-50-317, 37-51-310, 37-53-103, 37-53-203, 37-54-211, 37-54-311, 37-60-312, 37-65-306, 37-66-307, 37-67-315, 37-68-310, 37-69-307, ~~AND~~ 37-72-306, AND 50-6-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

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

NEW SECTION. Section 1. Access to public high school campuses -- definition. (1) ~~A public high school may not prohibit recruiters for the United States armed forces from visiting the high school campus for the purpose of informing students of educational and career opportunities available in the armed forces or from soliciting addresses and telephone numbers from students interested in receiving more information.~~ THE ACCESS PROVIDED TO RECRUITERS FOR THE UNITED STATES ARMED FORCES BY A PUBLIC HIGH SCHOOL MUST BE EQUAL TO THE ACCESS GRANTED TO OTHER RECRUITING GROUPS AND ORGANIZATIONS. THE ACCESS MUST INCLUDE ANY DIRECTORY INFORMATION THAT MAY BE RELEASED ABOUT STUDENTS PURSUANT TO THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974. PARENTS OR LEGAL GUARDIANS HAVE THE RIGHT TO INFORM THE HIGH SCHOOL THAT THEY DO NOT WISH

1 TO HAVE AN ARMED FORCES RECRUITER SPEAK TO THEIR CHILDREN.

2 (2) For purposes of this section, "armed forces" means the United States army, air force, navy, marines,
3 coast guard, and merchant marine, including the United States military reserves of these services, the Montana
4 national guard, and the service academies and training programs for these services.

5
6 **NEW SECTION. Section 2. Protection of professional licenses for activated military reservists**

7 **-- rulemaking authority -- definitions.** (1) For purposes of this section, the following definitions apply:

8 (a) "Activated reservist" means a member of a reserve component who has received federal military
9 orders to report for federal active duty for at least 90 consecutive days.

10 (b) "License" has the meaning provided in 37-1-302.

11 (c) "Reserve component" means the Montana national guard or the military reserves of the United
12 States armed forces.

13 (2) An activated reservist who holds an occupational or professional license may report the reservist's
14 activation to the appropriate professional licensing board or to the department of labor and industry if the
15 licensing requirements are administered by the department. The report must, at a minimum, include a copy of
16 the reservist's orders to federal active duty. The report may request that the reservist's professional license revert
17 to an inactive status.

18 (3) If an activated reservist has requested that the reservist's license revert to inactive status pursuant
19 to subsection (2), then for the duration of the reservist's active duty service under the orders submitted, the
20 department or licensing board may not:

21 (a) require the collection of professional licensing fees or continuing education fees from the activated
22 reservist;

23 (b) require that the activated reservist take continuing education classes or file a report of continuing
24 education classes completed; or

25 (c) revoke or suspend the activated reservist's professional license, require the license to be forfeited,
26 or allow the license to lapse for failure to pay licensing fees or continuing education fees or for failure to take or
27 report continuing education classes.

28 (4) (a) Upon release from federal active duty service, the reservist shall send a copy of the reservist's
29 discharge documents to the appropriate professional licensing board or to the department.

30 (b) The board or department shall evaluate the discharge documents, consider the military position held

1 by the reservist and the duties performed by the reservist during the active duty, and compare the position and
 2 duties to the licensing requirements for the profession. The board or department shall also consider the
 3 reservist's length of time on federal active duty.

4 (c) Based on the considerations pursuant to subsection (4)(b) and subject to subsection (5):

5 (i) the license must be fully restored;

6 (ii) conditions must be attached to the reservist's continued retention of the license; or

7 (iii) the license must be suspended or revoked.

8 (5) (a) A licensing board or the department may adopt rules concerning what conditions may be
 9 attached to a reservist's professional license pursuant to subsection (4)(c)(ii).

10 (b) If conditions are attached pursuant to subsection (4)(c)(ii) or the license is suspended or revoked
 11 pursuant to subsection (4)(c)(iii), the affected reservist may, within 90 days of the decision to take the action,
 12 request a hearing by writing a letter to the board or department. The board or department shall conduct a
 13 requested hearing within 30 days of receiving the written request.

14

15 **Section 3.** Section 13-1-112, MCA, is amended to read:

16 **"13-1-112. Rules for determining residence.** For registration, voting, or seeking election to the
 17 legislature, the residence of an individual must be determined by the following rules as far as they are applicable:

18 (1) The residence of an individual is where the individual's habitation is fixed and to which, whenever
 19 the individual is absent, the individual has the intention of returning.

20 (2) An individual may not gain or lose a residence while kept involuntarily at any public institution, not
 21 necessarily at public expense; as a result of being confined in any prison; or solely as a result of residing on a
 22 military reservation.

23 (3) (a) An individual in the armed forces of the United States may not become a resident solely as a
 24 result of being stationed at a military facility in the state.

25 (b) An individual may not acquire a residence solely as a result of being employed or stationed at a
 26 training or other transient camp maintained by the United States within the state.

27 (c) A member of a reserve component of the United States armed forces who is stationed outside of
 28 the state but who has no intent of changing residency retains resident status.

29 (4) An individual does not lose residence if the individual goes into another state or other district of this
 30 state for temporary purposes with the intention of returning, unless the individual exercises the election franchise

1 in the other state or district.

2 (5) An individual may not gain a residence in a county if the individual comes in for temporary purposes
3 without the intention of making that county the individual's home.

4 (6) If an individual moves to another state with the intention of making it the individual's residence, the
5 individual loses residence in this state.

6 (7) The place where an individual's family resides is presumed to be that individual's place of residence.
7 However, an individual who takes up or continues a residence at a place other than where the individual's family
8 resides with the intention of remaining is a resident of the place where the individual resides.

9 (8) A change of residence may be made only by the act of removal joined with intent to remain in
10 another place."

11

12 **Section 4.** Section 27-12-206, MCA, is amended to read:

13 **"27-12-206. Funding.** (1) There is a pretrial review fund to be administered by the director for the
14 purposes stated in this chapter. The fund and any income from it must be held in trust, deposited in an account,
15 and invested and reinvested by the director. The fund may not become part of or revert to the general fund of
16 this state but is subject to auditing by the legislative auditor. Money from the assessments levied under this
17 section must be deposited in the fund.

18 (2) For each fiscal year, beginning July 1, an annual assessment is levied on all chiropractic physicians.
19 The amount of the assessment must be annually set by the director and equally assessed against all chiropractic
20 physicians. A fund surplus at the end of a fiscal year that is not required for the administration of this chapter
21 must be retained by the director and used to finance the administration of this chapter during the next fiscal year,
22 in which event the director shall reduce the next annual assessment to an amount estimated to be necessary
23 for the proper administration of this chapter during that fiscal year.

24 (3) The annual assessment must be paid on or before the date that the chiropractic physician's annual
25 renewal fee under 37-12-307 is due. An unpaid assessment bears a late charge fee of \$25. The late charge fee
26 is part of the annual assessment. The director has the same powers and duties in connection with the collection
27 of and failure to pay the annual assessment as the department of labor and industry has under 37-12-307 with
28 regard to a chiropractic physician's annual license fee. However, nothing in this section may be interpreted to
29 conflict with [section 2]."

30

1 **Section 5.** Section 37-1-105, MCA, is amended to read:

2 **"37-1-105. Reporting disciplinary actions against licensees.** The department has the authority and
3 shall require that all licensing boards within the department require all applicants for licensure or renewal to
4 report any legal or disciplinary actions against them ~~which~~ that relate to the propriety of the applicants' practice
5 of or their fitness to practice the profession or occupation for which they seek licensure. Failure to furnish the
6 required information, except pursuant to [section 2], or the filing of false information is grounds for denial or
7 revocation of a license."

8

9 **Section 6.** Section 37-1-136, MCA, is amended to read:

10 **"37-1-136. Disciplinary authority of boards -- injunctions.** (1) ~~Each~~ Subject to [section 2], each
11 licensing board allocated to the department has the authority, in addition to any other penalty or disciplinary
12 action provided by law, to adopt rules specifying grounds for disciplinary action and rules providing for:

- 13 (a) revocation of a license;
14 (b) suspension of its judgment of revocation on terms and conditions determined by the board;
15 (c) suspension of the right to practice for a period not exceeding 1 year;
16 (d) placing a licensee on probation;
17 (e) reprimand or censure of a licensee; or
18 (f) taking any other action in relation to disciplining a licensee as the board in its discretion considers
19 proper.

20 (2) Any disciplinary action by a board shall be conducted as a contested case hearing under the
21 provisions of the Montana Administrative Procedure Act.

22 (3) Notwithstanding any other provision of law, a board may maintain an action to enjoin a person from
23 engaging in the practice of the occupation or profession regulated by the board until a license to practice is
24 procured. A person who has been enjoined and who violates the injunction is punishable for contempt of court."

25

26 **Section 7.** Section 37-3-313, MCA, is amended to read:

27 **"37-3-313. Registration fees -- failure to pay -- limiting authority to impose registration fees.** (1)
28 In addition to the license fees required of applicants, a licensed physician actively practicing medicine in this
29 state shall pay to the department a registration fee as prescribed by the board.

30 (2) The payments for registration must be made prior to the expiration date of the registration, as set

1 forth in a department rule, and a receipt acknowledging payment of the registration fee must be issued by the
2 department. The department shall mail registration notices at least 60 days before the registration is due.

3 (3) ~~It~~ Except as provided in [section 2], in case of default in the payment of the registration fee by a
4 person licensed to practice medicine who is actively practicing medicine in this state, the underlying certificate
5 to practice medicine may be revoked by the board on 30 days' notice given to the delinquent of the time and
6 place of considering the revocation. A ~~registered or~~ certified letter addressed to the last-known address of the
7 person failing to comply with the requirements of registration, as the address appears on the records of the
8 department, constitutes sufficient notice of intention to revoke the underlying certificate. A certificate may not
9 be revoked for nonpayment if the person authorized to practice medicine, and notified, pays the registration fee
10 before or at the time fixed for consideration of revocation, together with a delinquency penalty prescribed by the
11 board. The department may collect the dues by an action at law.

12 (4) A registration or license fee may not be imposed on a licensee under this chapter by a municipality
13 or any other subdivision of the state."
14

15 **Section 8.** Section 37-3-346, MCA, is amended to read:

16 **"37-3-346. Certificate renewal -- fee.** (1) A physician certified to practice telemedicine shall renew the
17 telemedicine certificate every 2 years.

18 (2) The physician shall complete and return an application for renewal provided by the board by a date
19 established by board rule.

20 (3) The physician shall pay an application renewal fee in an amount established by board rule.

21 (4) This section may not be interpreted to conflict with [section 2]."
22

23 **Section 9.** Section 37-4-307, MCA, is amended to read:

24 **"37-4-307. Renewal fee -- default -- local fees prohibited.** (1) Each licensed dentist shall pay a
25 renewal fee to the board. The renewal fee must be set by the board commensurate with costs. Notice of the
26 change in the amount of renewal fees must be given to each dentist registered in this state by the department.

27 (2) Payment of the renewal fee must be made on or before the license expiration date set by
28 department rule, and a license renewal must be issued by the department. A reasonable late fee must be
29 required by the department if the renewal fee is not paid in a timely manner.

30 (3) (a) ~~It~~ Except as provided in [section 2], in case of default in payment of the renewal fee by a

1 licensee, the license must be forfeited by the licensee. The board shall give the licensee 30 days' notice of its
2 proposed forfeiture action. The notice must be sent by certified letter addressed to the last-known address of
3 the licensee and must contain a statement of the time and place of the meeting at which the forfeiture will be
4 considered.

5 (b) If the licensee pays the renewal fee, plus a reasonable late fee set by the board, prior to the time
6 set for forfeiture, the license may not be forfeited.

7 (c) A license forfeited for nonpayment of the renewal fee may be reinstated within 5 years of forfeiture
8 if:

9 (i) renewal fees are paid for each renewal period that they were unpaid, plus a late penalty fee for each
10 renewal period;

11 (ii) the applicant produces evidence, satisfactory to the board, of good standing with the dentistry
12 regulatory agencies of any jurisdiction in which the applicant has engaged in the active practice of dentistry since
13 the last payment of a renewal fee under this chapter; and

14 (iii) the applicant produces evidence, satisfactory to the board, of good character and competence.

15 (4) Each dentist shall give the board notice of any change in name, address, or status within 30 days
16 of the change.

17 (5) A unit of local government, including those exercising self-government powers, may not impose a
18 license fee on a dentist licensed under this chapter."

19

20 **Section 10.** Section 37-4-406, MCA, is amended to read:

21 **"37-4-406. Renewal fee -- default -- forfeiture of license -- local fees prohibited.** (1) Each licensed
22 dental hygienist shall pay a renewal fee to the board. The renewal fee must be set by the board commensurate
23 with costs.

24 (2) Payment of the renewal fee must be made on or before the license expiration date set by
25 department rule, and a license renewal must be issued by the department. A reasonable late fee must be
26 required if the renewal fee is not paid in a timely manner.

27 (3) ~~In~~ Except as provided in [section 2], in case of default in payment of the renewal fee by any licensee,
28 the licensee shall forfeit the license.

29 (a) The board shall give the licensee 30 days' notice of its proposed forfeiture action. The notice must
30 be sent by certified mail to the last-known address of the licensee and must contain a statement of the time and

1 place of the meeting at which the forfeiture will be considered.

2 (b) The payment of the renewal fee on or before the time set for forfeiture, with a reasonable late fee
3 set by the board, excuses the default.

4 (c) A license forfeited for nonpayment of the renewal fee may be reinstated within 5 years of forfeiture
5 if:

6 (i) renewal fees are paid for each period that they were unpaid, plus a late penalty for each period;

7 (ii) the applicant produces evidence, satisfactory to the board, of good standing with the dental hygiene
8 regulatory agencies of any jurisdiction in which the applicant has engaged in the active practice of dental hygiene
9 since the last payment of a renewal fee under this chapter; and

10 (iii) the applicant produces evidence, satisfactory to the board, of good character and competence.

11 (4) Each dental hygienist shall give the board notice of any change in name, address, or status within
12 30 days of the change.

13 (5) The board may, after a hearing, revoke or suspend the license of a dental hygienist for violating this
14 chapter.

15 (6) A unit of local government, including those exercising self-government powers, may not impose a
16 license fee on a dental hygienist licensed under this chapter."

17

18 **Section 11.** Section 37-5-307, MCA, is amended to read:

19 **"37-5-307. Renewal fee.** (1) A person holding a certificate to practice under this chapter and who is
20 in active practice in this state shall, on or before the date set by department rule, pay a renewal fee prescribed
21 by the board to the department. At least 2 weeks before the renewal date, the department shall send a notice
22 to each person holding a valid certificate to practice under this chapter and from whom a fee is due stating that
23 the fee is due.

24 (2) ~~The Subject to subsection (3), the~~ certificate to practice under this chapter automatically becomes
25 void when the renewal fee is not paid at the time named. However, the board may reinstate a practitioner whose
26 certificate has lapsed on payment of back renewal fees or on payment of a maximum fee prescribed by the
27 board if the lapsed fees exceed the maximum fee.

28 (3) This section may not be interpreted to conflict with [section 2]."

29

30 **Section 12.** Section 37-6-304, MCA, is amended to read:

1 **"37-6-304. Designations on license -- recording -- renewal -- display.** (1) A license issued under this
2 chapter is designated as a "registered podiatrist's license" or a "temporary podiatrist's license".

3 (2) Licenses must be recorded by the department the same as other medical licenses.

4 (3) Licenses must be renewed on a date set by department rule.

5 (4) A license renewal fee set by the board must be paid on a date set by department rule.

6 (5) The department shall mail renewal notices no later than 60 days prior to the renewal date.

7 (6) ~~¶ Except as provided in [section 2], if~~ the renewal fee is not paid on or before the renewal date, the
8 board may revoke the licensee's certificate after giving 30 days' notice to the licensee. A certified letter
9 addressed to the delinquent licensee's last-known address as it appears on the records of the department
10 constitutes notice of intent to revoke the certificate. A certificate may not be revoked for nonpayment of a
11 renewal fee if the licensee pays the renewal fee plus a penalty prescribed by the board on or before the date
12 fixed for revocation.

13 (7) A license revoked for nonpayment of the renewal fee may be reissued only on original application
14 and payment of an additional fee prescribed by the board.

15 (8) Licenses must be conspicuously displayed by podiatrists at their offices or other places of practice."
16

17 **Section 13.** Section 37-7-303, MCA, is amended to read:

18 **"37-7-303. Renewal fee.** (1) A person licensed and registered by the board shall pay to the board on
19 or before the license expiration date set by board rule a renewal of registration fee prescribed by the board. A
20 default in the payment of a renewal fee after the date it is due increases the renewal fee as prescribed by the
21 board. It is unlawful for a person who refuses or fails to pay the renewal fee to practice pharmacy in this state.
22 A certificate and renewal expires at the time prescribed by board rule. A ~~defaulter in~~ person who defaults in the
23 payment of a renewal fee may be reinstated within 1 year of the default without examination on payment of the
24 arrears and compliance with other requirements prescribed by law.

25 (2) This section may not be interpreted to conflict with [section 2]."
26

27 **Section 14.** Section 37-8-431, MCA, is amended to read:

28 **"37-8-431. Renewal of license.** (1) The license of a person licensed under this chapter must be
29 renewed on the date set by department rule. At least 30 days prior to the renewal date, the department shall mail
30 an application form for renewal of a license to each person to whom a license was issued or renewed. The

1 applicant shall carefully complete and sign the application form and return it to the department with a renewal
2 fee prescribed by the board on or before the renewal date.

3 (2) The board may increase or decrease the license fee so as to maintain in the state special revenue
4 fund at all times an adequate amount to be used for the purpose of administering, policing, and enforcing the
5 provisions of Title 37, chapter 1, and this chapter. On receipt of the application and fee, the department shall
6 verify the accuracy of the application against its record and from other sources the board considers reliable and
7 issue to the applicant a certificate of renewal. The certificate of renewal renders the holder a legal practitioner
8 of nursing for the period stated in the certificate of renewal.

9 (3) A licensee who allows the license to lapse by failing to renew the license may be reinstated by the
10 board on satisfactory explanation for the failure to renew the license and on payment of the current renewal fee
11 prescribed by the board.

12 (4) A person practicing nursing during the time following the date the license has expired is an illegal
13 practitioner and is subject to the penalties provided for violations of this chapter.

14 (5) The board may establish a reasonable late fee for licensees who fail to renew their license by the
15 renewal date.

16 (6) This section may not be interpreted to conflict with [section 2]."

17

18 **Section 15.** Section 37-9-305, MCA, is amended to read:

19 **"37-9-305. Renewal of registration and license.** Each holder of a nursing home administrator's
20 registration and license shall renew it by payment of the required fee for the next subsequent period prior to the
21 expiration date of the currently valid registration and license, except as may be otherwise provided in [section
22 2]. Renewals of registrations or licenses must be granted as a matter of course. However, if the board finds, after
23 notice and hearing, that the applicant has acted or failed to act in a manner or under circumstances that would
24 constitute grounds for discipline, it may not issue the renewal."

25

26 **Section 16.** Section 37-10-307, MCA, is amended to read:

27 **"37-10-307. Renewal -- fee.** (1) A registered optometrist who desires to continue the practice of
28 optometry in this state shall, before the license expiration date established by rule of the department, pay to the
29 department a renewal fee prescribed by the board in return for which a renewal of registration must be issued.
30 ¶ Subject to subsection (2), if a person fails or neglects to procure a renewal of registration, the person's

1 certificate of registration must be revoked by the board. However, a certificate of registration may not be revoked
2 without 90 days' notice having been given to the delinquent person, who within this period may renew the
3 certificate of registration on the payment of the renewal fee with a penalty prescribed by the board.

4 (2) This section may not be interpreted to conflict with the provisions of [section 2].
5

6 **Section 17.** Section 37-11-201, MCA, is amended to read:

7 **"37-11-201. General powers -- rulemaking power -- records.** (1) The board may:

8 (a) adopt rules to carry this chapter into effect;

9 (b) grant, suspend, and revoke licenses;

10 (c) issue subpoenas requiring the attendance of witnesses or the production of books and papers;

11 (d) take any other disciplinary action necessary to protect the public.

12 (2) The board shall:

13 (a) examine applicants for licenses at reasonable places and times determined by the board;

14 (b) review the qualifications of applicants who are approved for examination for licensure;

15 (c) conduct written or computerized examinations that measure the qualifications of individual applicants
16 along with any oral or practical examinations when determined by the board to be appropriate; and

17 (d) adopt rules to establish continuing education requirements of at least 20 hours biennially for license
18 renewal for physical therapists and assistants, subject to the provisions of [section 2].

19 (3) The department shall keep a record of the board's proceedings under this chapter and a register
20 of persons licensed under it. The register must show the name of every licensed physical therapist and licensed
21 assistant, the therapist's or assistant's last-known place of business and last-known place of residence, and the
22 date of issue and the number of every license and certificate issued to a licensed physical therapist or licensed
23 assistant.

24 (4) The department shall, during the month of April every year in which the renewal of licenses is
25 required, compile a list of licensed physical therapists authorized to practice physical therapy in the state and
26 shall mail, upon request, a copy of that list to the superintendent of every known hospital and every person
27 licensed to practice medicine and surgery in the state. An interested person in the state is entitled to obtain a
28 copy of the list on application to the department and payment of an amount not in excess of the cost of the list.

29 (5) The department may change addresses and surnames on the licensee's records only on the specific
30 written request by the individual licensee."

1

2 **Section 18.** Section 37-11-308, MCA, is amended to read:

3 **"37-11-308. Renewal of license -- fee.** A licensed physical therapist and a licensed physical therapist
4 assistant shall, on or before the date set by department rule, apply to the department for a license renewal and
5 pay a fee set by board rule. A license that is not renewed before the renewal date automatically lapses, except
6 as provided in [section 2]. The board may, in its discretion, revive and renew a lapsed license on the payment
7 of all past unpaid renewal fees or a late renewal fee."

8

9 **Section 19.** Section 37-12-307, MCA, is amended to read:

10 **"37-12-307. Renewal of license -- fees.** ~~A~~ Except as provided in [section 2]:

11 (1) a license expires on the date set by department rule and must be renewed by the department on
12 payment of a renewal fee, as set by the board, and the presentation of evidence satisfactory to the board that
13 the licensee qualifies for renewal. ~~At~~

14 (2) all applicants for renewal who have not paid the renewal fee on or before the renewal date shall pay
15 an additional late fee prescribed by the board."

16

17 **Section 20.** Section 37-13-306, MCA, is amended to read:

18 **"37-13-306. Renewal -- fee -- military exemption.** (1) ~~The~~ A license to practice acupuncture must be
19 renewed on a date set by the department, without examination and upon request of the licensee. The request
20 for renewal must be on ~~forms~~ a form prescribed by the board and accompanied by a renewal fee prescribed by
21 the board. The request and fee must be ~~in the hands of~~ received by the secretary of the board not later than the
22 expiration date of the license.

23 (2) Immediately following the renewal date, the secretary shall notify all licensees from whom requests
24 for renewal, accompanied by the renewal fee, have not been received that their licenses have expired and that
25 they will be canceled and revoked upon the records of the board unless a request for renewal and reinstatement,
26 accompanied by the renewal fee and an additional fee prescribed by the board, is ~~in the hands of~~ received by
27 the secretary within 30 days of the renewal date.

28 (3) ~~Subject to subsection (5),~~ if the licensee fails to renew within 30 days following the renewal date,
29 the secretary of the board shall cancel and revoke upon the board's records all licenses that have not been
30 renewed or reinstated as provided by this chapter and shall notify the licensees whose licenses are revoked of

1 the action.

2 (4) A licensee who allows the license to lapse by failing to renew or reinstate the license as provided
3 in this section may subsequently reinstate the license upon good cause shown to the satisfaction of the board
4 and upon payment of all renewal fees then accrued plus an additional fee prescribed by the board for each
5 renewal period following the cancelling of the license.

6 (5) A person actively engaged in the military service of the United States and licensed to practice
7 acupuncture as provided in this part is not required to pay the renewal fee or make application for renewal until
8 the renewal date of the calendar period in which the person returns from military service to civilian or inactive
9 status, except as may be otherwise provided by the board pursuant to [section 2]."

10

11 **Section 21.** Section 37-14-310, MCA, is amended to read:

12 **"37-14-310. Renewal -- fee -- reissuance of license.** (1) Licenses expire on the date established by
13 rule of the department.

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

17 (3) A radiologic technologist who has been licensed in Montana and whose license has not been
18 revoked or suspended and who has temporarily ceased activities as a radiologic technologist for not more than
19 5 years may apply for reissuance of a license upon complying with the provisions of this section, including
20 payment of an application fee.

21 (4) This section may not be interpreted to conflict with [section 2]."

22

23 **Section 22.** Section 37-15-308, MCA, is amended to read:

24 **"37-15-308. Renewal.** (1) Each licensed speech-language pathologist or audiologist shall pay to the
25 board the fee for the renewal of the license according to rules adopted by the department, subject to the
26 provisions of [section 2].

27 (2) The department shall notify each person licensed under this chapter relative to the date of expiration
28 of the license and the amount of the renewal fee. This notice must be mailed to each licensed speech-language
29 pathologist or audiologist at least 1 month before the expiration of the license.

30 (3) Renewal may be made at any time during the 60 days prior to the expiration date by application

1 ~~therefor~~ for renewal.

2 (4) Failure on the part of any licensed person to pay the renewal fee by the expiration date does not
3 deprive the person of the right to renew the license, but, unless the person is excepted pursuant to [section 2],
4 the fee must be increased 10% for each month that the payment of the renewal fee is delayed after the
5 expiration date. The maximum fee for delayed renewal may not exceed twice the normal renewal fee.

6 (5) Application for renewal following a lapse of 1 year or more is subject to review by the board, and the
7 applicant may be requested to complete an examination successfully if the board so determines.

8 (6) A suspended license is subject to expiration and may be renewed as provided in this section, but
9 the renewal does not entitle the licensee, while the license remains suspended, to engage in the licensed activity
10 or in any other activity or conduct ~~which~~ that violates the order or judgment by which the license was suspended.

11 (7) A license revoked on disciplinary grounds is subject to expiration, and it may not be renewed. If it
12 the license is reinstated after its expiration, the licensee, as a condition of reinstatement, shall pay a
13 reinstatement fee in an amount equal to the renewal fee in effect on the last preceding regular renewal date
14 before the date on which it is reinstated plus the delinquency fee, if any, accrued at the time of its revocation.

15 (8) A person who fails to renew a license within 2 years after its expiration may not renew it, and it may
16 not be restored, reissued, or reinstated, except as provided in [section 2]. However, the person may reapply for
17 and obtain a new license if the person meets the requirements of this chapter."
18

19 **Section 23.** Section 37-16-407, MCA, is amended to read:

20 **"37-16-407. Renewal of license -- fee -- inactive status.** (1) A person who practices the fitting of
21 hearing aids and related devices shall pay to the department a fee as set by the board for a renewal of the
22 person's license. The fee must be fixed by the board to be commensurate with board costs in administering
23 licensure and related board functions. The board shall impose a late fee for renewal applications received after
24 the renewal deadline.

25 (2) Each applicant for license renewal shall submit evidence showing completion of 10 hours of
26 continuing education completed during the preceding 12 months. The requirements of the continuing education
27 programs are to be determined by the board by rule.

28 (3) (a) The board may set standards and fees for issuing licenses that designate inactive status.

29 (b) An inactive licensee may be reinstated to active practice if the inactive licensee:

30 (i) applies for reinstatement;

- 1 (ii) pays a fee set by the board; and
2 (iii) produces proof satisfactory to the board of completion of the continuing education requirements
3 established by the board.

4 (4) This section may not be interpreted to conflict with [section 2]."
5

6 **Section 24.** Section 37-17-306, MCA, is amended to read:

7 **"37-17-306. Renewal.** (1) The license expires on the date set by department rule. The department shall
8 notify each person licensed under this chapter relative to the date of the expiration and the amount of the
9 renewal fee. This notice must be mailed to each licensed psychologist at the licensee's listed address at least
10 1 month before the expiration of the license.

11 (2) Renewal may be made by application during the 60 days prior to the expiration date. Failure on the
12 part of a person licensed to pay the renewal fee by the expiration date does not deprive the person of the right
13 to renew. However, a late fee must be assessed in accordance with board rule. Application for renewal following
14 a lapse of 1 year or more will be subject to review by the board, and the applicant may be requested to
15 successfully complete an examination if the board so determines.

16 (3) This section may not be interpreted to conflict with [section 2]."
17

18 **Section 25.** Section 37-17-307, MCA, is amended to read:

19 **"37-17-307. Fees -- deposit of fees.** (1) The department shall collect the following fees, except as
20 provided in [section 2], none of which is refundable:

- 21 (a) application fee;
22 (b) examination fee, an amount commensurate with the charge of the professional examination service
23 and administrative costs of the department and as set by the board;
24 (c) certificate fee;
25 (d) renewal fee.

26 (2) Fees received by the department must be deposited in the state special revenue fund for the use
27 of the board, subject to 37-1-101(6)."
28

29 **Section 26.** Section 37-18-307, MCA, is amended to read:

30 **"37-18-307. Renewal -- fee -- continuing education -- automatic renewal for military personnel.**

1 (1) A person licensed to practice veterinary medicine in this state shall procure a certificate of registration from
2 the department on or before the date set by department rule. The certificate must be issued by the department
3 on the payment of a fee fixed by the board and on presentation of evidence satisfactory to the board that the
4 licensee qualifies for renewal.

5 (2) Failure of a person licensed to procure a certificate of registration on or before the date set by
6 department rule constitutes a forfeiture of the license held by the person. A person who has forfeited the license
7 may have it restored by making written application for restoration within 1 year of the forfeiture, setting forth the
8 reasons for failure to procure the certificate of registration at the time specified and accompanied by payment
9 of the registration fee provided for in this section and an additional restoration fee as the board requires. The
10 person making application for restoration of license within 1 year of its forfeiture is not required to submit to
11 examination.

12 (3) Notwithstanding any other provisions in this chapter, a person licensed who enters or is called to
13 active duty by a branch of the armed services of the United States is entitled to receive automatic registration
14 of the license during the period of active duty with the armed services. However, within 1 year after release or
15 discharge from duty in the armed services the person shall procure a certificate of renewal from the department
16 and pay the regular fee. Failure to procure the certificate of renewal within 1 year after release or discharge is
17 the equivalent of a failure to procure a certificate of registration before the date set by department rule, and the
18 same forfeiture and restoration requirements apply. This section may not be interpreted to conflict with [section
19 2].

20 (4) A person licensed must at all times have the person's residence and office address on file with the
21 department."
22

23 **Section 27.** Section 37-19-306, MCA, is amended to read:

24 **"37-19-306. Renewal of mortician's license -- fee -- suspension for nonrenewal.** (1) The license
25 fee for a mortician's license must be postmarked on or before the date set by department rule. The amount of
26 the renewal fee must be set by the board.

27 (2) ~~Failure~~ Subject to subsection (3), failure to pay the renewal fee results in automatic suspension of
28 the license. The license may be reinstated by the payment of unpaid renewal fees plus a penalty prescribed by
29 the board.

30 (3) This section may not be interpreted to conflict with [section 2]."

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Section 28. Section 37-20-302, MCA, is amended to read:

"37-20-302. Utilization plan approval fee -- renewal of license -- renewal fee. (1) A utilization plan approval fee must be paid in an amount set by the board. Payment must be made when the utilization plan is submitted to the board and is not refundable.

(2) A locum tenens utilization plan approval fee must be paid in an amount set by the board.

(3) A license issued under this part must be renewed for a period and on a date set by the department.

(4) A license renewal fee set by the board must be paid at the time the license is renewed.

(5) The department shall mail a renewal notice no later than 60 days prior to the renewal date. A certified letter addressed to the delinquent licensee's last-known address as it appears on the records of the department constitutes notice of intent to revoke the license.

(6) ~~If~~ Except as provided in [section 2], if the license renewal fee is not paid on or before the renewal date, the board may revoke the license after giving 30 days' notice to the licensee. A license may not be revoked for nonpayment of a renewal fee if the licensee pays the renewal fee plus a penalty prescribed by the board on or before the date fixed for revocation.

(7) Fees received by the department must be deposited in the state special revenue fund for use by the board in the administration of this chapter, subject to 37-1-101(6)."

SECTION 29. SECTION 37-21-302, MCA, IS AMENDED TO READ:

"37-21-302. Registered dietitian -- qualifications. ~~No~~ A person may not use, in connection with ~~his~~ the person's name or place of business, the term "registered dietitian" or represent in any way that ~~he~~ the person is a registered dietitian unless ~~he~~ the person:

(1) has been granted, prior to October 1, 1983, the right to use the term "registered dietitian" by an authorized agency; or

(2) (a) has fulfilled all the requirements set forth in 37-21-301(2);

(b) has satisfactorily completed an examination for registered dietitians administered by an authorized agency; and

(c) except as provided in [section 2], has satisfactorily completed, ~~from time to time, such~~ the continuing education requirements as may be established by an authorized agency."

1 **Section 30.** Section 37-22-304, MCA, is amended to read:

2 **"37-22-304. Renewal of license.** (1) An application for renewal of an existing license must be made
3 on or before the date set by department rule.

4 (2) Application for renewal must be made upon a form provided by the department. A renewal license
5 must be issued upon payment of a renewal fee set by the board and upon submitting proof of qualification for
6 renewal.

7 (3) ~~The~~ Subject to subsection (5), the renewal fee is increased by 10% for each month or part of a
8 month that the renewal is delayed. The maximum fee for delayed renewal may not exceed twice the normal
9 renewal fee.

10 (4) ~~A~~ Subject to subsection (5), a license not renewed within 1 year following its expiration date
11 terminates automatically.

12 (5) This section may not be interpreted to conflict with [section 2]."

13

14 **Section 31.** Section 37-23-205, MCA, is amended to read:

15 **"37-23-205. Renewal of license.** (1) The department may adopt rules to provide for the renewal of an
16 existing license.

17 (2) An application for renewal of an existing license must be made on or before the expiration date set
18 by department rule.

19 (3) Application for renewal must be made upon a form provided by the department. A renewal license
20 must be issued upon payment of a renewal fee set by the board and upon submitting proof of qualification for
21 renewal.

22 (4) ~~The~~ Subject to subsection (6), the renewal fee is increased by 10% for each month or part of a
23 month that the renewal is delayed. The maximum fee for delayed renewal may not exceed twice the normal
24 renewal fee.

25 (5) ~~A~~ Subject to subsection (6), a license not renewed within 1 year following its expiration date
26 terminates automatically.

27 (6) This section may not be interpreted to conflict with [section 2]."

28

29 **SECTION 32. SECTION 37-24-308, MCA, IS AMENDED TO READ:**

30 **"37-24-308. Renewal of license.** (1) Each license issued under this chapter is subject to annual

1 renewal on the date set by department rule upon the payment of a renewal fee and expires unless renewed in
2 the manner prescribed by the rules of the board. The board may provide for the late renewal of a license upon
3 the payment of a late fee in accordance with its rules, but a late renewal of a license may not be granted more
4 than 5 years after its expiration.

5 (2) This section may not be interpreted to conflict with [section 2]."

6

7 **Section 33.** Section 37-25-307, MCA, is amended to read:

8 **"37-25-307. Renewal of license.** (1) An application for renewal of license must be made for a period
9 and on a date set by the department.

10 (2) A renewal license must be issued when the applicant submits proof that requirements for continued
11 licensure have been met and pays a renewal fee set by the board commensurate with costs.

12 (3) An additional fee may be imposed on applications for renewal received by the board more than 30
13 days after the license renewal date.

14 (4) This section may not be interpreted to conflict with [section 2]."

15

16 **SECTION 34. SECTION 37-26-201, MCA, IS AMENDED TO READ:**

17 **"37-26-201. Powers and duties of board.** The board shall:

18 (1) adopt rules necessary or proper to administer and enforce this chapter;

19 (2) adopt rules that specify the scope of practice of naturopathic medicine stated in 37-26-301, that are
20 consistent with the definition of naturopathic medicine provided in 37-26-103, and that are consistent with the
21 education provided by approved naturopathic medical colleges;

22 (3) adopt rules prescribing the time, place, content, and passing requirements of the licensure
23 examination, which may be composed of part or all of the national naturopathic physicians licensing
24 examination;

25 (4) adopt rules that endorse equivalent licensure examinations of another state or territory of the United
26 States, the District of Columbia, or a foreign country and that may include licensure by reciprocity;

27 (5) adopt rules that set nonrefundable fees, commensurate with costs, for application, examination,
28 licensure, and other administrative services;

29 (6) approve naturopathic medical colleges as defined in 37-26-103;

30 (7) issue certificates of specialty practice;

1 (8) adopt rules that, in the discretion of the board, appropriately restrict licenses to a limited scope of
 2 practice of naturopathic medicine, which may exclude the use of minor surgery allowed under 37-26-301; ~~and~~
 3 (9) adopt rules that contain the natural substance formulary list created by the alternative health care
 4 formulary committee provided for in 37-26-301; and
 5 (10) adopt rules to implement the provisions in [section 2]."
 6

7 **SECTION 35. SECTION 37-27-105, MCA, IS AMENDED TO READ:**

8 **"37-27-105. General powers and duties of board -- rulemaking authority.** (1) The board shall:

9 (a) meet at least once annually, and at other times as agreed upon, to elect officers and to perform the
 10 duties described in this section; and

11 (b) administer oaths, take affidavits, summon witnesses, and take testimony as to matters within the
 12 scope of the board's duties.

13 (2) The board ~~shall have~~ has the authority to administer and enforce all the powers and duties granted
 14 statutorily or adopted administratively.

15 (3) The board shall adopt rules to administer this chapter. The rules must include but are not limited to:

16 (a) the development of a license application and examination, criteria for and grading of examinations,
 17 and establishment of examination and license fees commensurate with actual costs;

18 (b) the issuance of a provisional license to midwives who filed the affidavit required by section 2,
 19 Chapter 493, Laws of 1989;

20 (c) the establishment of criteria for minimum educational, apprenticeship, and clinical requirements that,
 21 at a minimum, meet the standards established in 37-27-201;

22 (d) the development of eligibility criteria for client screening by direct-entry midwives in order to achieve
 23 the goal of providing midwifery services to women during low-risk pregnancies;

24 (e) the development of procedures for the issuance, renewal, suspension, and revocation of licenses
 25 consistent with the provisions in [section 2];

26 (f) the adoption of disciplinary standards for licensees;

27 (g) the development of standardized informed consent and reporting forms;

28 (h) the adoption of ethical standards for licensed direct-entry midwives;

29 (i) the adoption of supporting documentation requirements for primary birth attendants; and

30 (j) the establishment of criteria limiting an apprenticeship that, at a minimum, meets the standards

1 established in 37-27-201."

2

3 **Section 36.** Section 37-28-203, MCA, is amended to read:

4 **"37-28-203. Renewal of license -- application and fee.** (1) Except as provided in [section 2], a
5 respiratory care practitioner's license expires on the date set by department rule.

6 (2) A licensee may renew a license by:

7 (a) filing an application with the board on a form approved by the board; and

8 (b) paying a renewal fee in an amount established by the board."

9

10 **Section 37.** Section 37-29-306, MCA, is amended to read:

11 **"37-29-306. Licensing.** (1) A denturist license is valid for a period established by department rule and
12 expires on the date set by department rule. A renewal license must be issued upon timely payment of the
13 renewal fee and the submission of proof of continued qualification for licensure. In addition, the denturist shall
14 submit proof that the denturist holds a current cardiopulmonary resuscitation card. The license must bear on its
15 face the address where the licensee's denturist services will be performed.

16 (2) Applications must be submitted on forms approved by the board and furnished by the department.
17 Each application must include all other documentation necessary to establish that the applicant meets the
18 requirements for licensure and is eligible to take the licensure examination. Applications must be accompanied
19 by the appropriate fees.

20 (3) This section may not be interpreted to conflict with [section 2]."

21

22 **Section 38.** Section 37-31-322, MCA, is amended to read:

23 **"37-31-322. Renewal -- delinquency fee.** (1) Licenses and certificates may not be issued for longer
24 than 1 year unless otherwise provided by department rule. Licenses and certificates expire on the date set by
25 department rule and may be renewed. Licenses and certificates may be renewed by application made on or
26 before the renewal date and by the payment of a required renewal fee. Expired licenses and certificates may
27 be renewed under rules made by the board, but the right to renew an expired license or certificate terminates
28 after 10 years of nonpayment. The renewal fee may not exceed twice the fee for a 2-year renewal or three times
29 the fee for a 3-year renewal and must be as set by the board.

30 (2) A fee prescribed by the board must be charged, in addition to other fees fixed by law, for renewal

1 applications of licenses and certificates made after December 31 of each year or other predetermined renewal
2 deadline.

3 (3) This section may not be interpreted to conflict with [section 2]."
4

5 **Section 39.** Section 37-32-305, MCA, is amended to read:

6 **"37-32-305. Fees -- renewal -- deposit of money collected.** (1) The fee for an original electrologist
7 license must be set by the board. The renewal is automatic, unless revoked or suspended for cause, and the
8 renewal fee must be set by the board.

9 (2) The fee for an original electrologist salon license ~~fee~~ must be the same as that for cosmetology
10 salons. The renewal fee must be the same as that for cosmetology salons.

11 (3) A license issued under this chapter expires on the date set by department rule and may be renewed
12 at periodic intervals as determined by department rule. Failure to renew subjects the licensee to a late renewal
13 fee prescribed by the board to be added to the regular renewal fee. The right to renew by payment of the late
14 renewal fee expires after 3 years of nonpayment.

15 (4) All fees or money collected by the department under this chapter must be deposited in the state
16 special revenue fund for the use of the board in administration of the chapter.

17 (5) This section may not be interpreted to conflict with [section 2]."
18

19 **SECTION 40. SECTION 37-34-201, MCA, IS AMENDED TO READ:**

20 **"37-34-201. Powers and duties of the board -- rulemaking authority.** (1) The board shall:

21 (a) meet at least once annually, and at other times as agreed upon, to elect officers and to perform the
22 duties described in this section; and

23 (b) administer oaths, take affidavits, summon witnesses, and take testimony as to matters within the
24 scope of the board's duties.

25 (2) The board has the authority to administer and enforce all the powers and duties granted statutorily
26 or adopted administratively.

27 (3) The board shall adopt rules to administer this chapter. The rules must include but are not limited to:

28 (a) the development of a license application procedure and acceptable certifications for each category
29 of license;

30 (b) the establishment of license fees commensurate with actual costs;

1 (c) the establishment of criteria for educational requirements that, at a minimum, meet the standards
2 set forth in 37-34-303;

3 (d) the development of procedures for the issuance, renewal, suspension, revocation, and reciprocity
4 of licenses consistent with the provisions in [section 2];

5 (e) the adoption of disciplinary standards for licensees;

6 (f) the establishment of hearing procedures; and

7 (g) a requirement that the supervisor of a clinical laboratory technician be accessible at all times that
8 testing is being performed by the technician in order to provide onsite, telephonic, or electronic consultation."

9

10 **Section 41.** Section 37-35-203, MCA, is amended to read:

11 **"37-35-203. Renewal of license -- application and fee.** (1) A license expires biennially on the date
12 set by department rule.

13 (2) A license holder may renew a license by:

14 (a) filing an application on a form prescribed by the department; and

15 (b) paying a renewal fee in an amount established by the department.

16 (3) A default in the payment of a renewal fee after the date it is due may increase the fee, as prescribed
17 by the department by rule.

18 (4) It is unlawful for a person who refuses or fails to pay the renewal fee to practice as a licensed
19 addiction counselor in this state.

20 (5) ~~A Subject to subsection (6), a~~ license not renewed within 1 year following its expiration date
21 terminates automatically.

22 (6) This section may not be interpreted to conflict with [section 2]."

23

24 **Section 42.** Section 37-40-304, MCA, is amended to read:

25 **"37-40-304. Fees -- renewal.** (1) An applicant for a license shall pay a fee set by the board in an
26 amount commensurate with examination and administrative costs.

27 (2) A registered sanitarian may renew the license by paying a renewal fee and meeting qualifications
28 set by the board.

29 (3) Renewal fees are due on or before the renewal date set by department rule. ~~## Subject to subsection~~
30 (4), if the renewal fee is not paid, the license expires. Licenses ~~which that~~ have lapsed for failure to pay renewal

1 fees may be reissued under rules adopted by the board.

2 (4) This section may not be interpreted to conflict with [section 2]."

3

4 **Section 43.** Section 37-42-308, MCA, is amended to read:

5 **"37-42-308. Annual renewal -- fees -- revocation for failure to renew -- reinstatement -- notice of**

6 **suspension.** (1) Certificates issued under this chapter must be renewed annually before July 1. A certificate

7 issued after July 1 expires the following June 30. After the payment of the initial fee under 37-42-304, a

8 certificate holder shall pay before July 1 of each certificate year a renewal fee according to the schedule adopted

9 by the department pursuant to 37-1-134, except that the department shall reduce the fee by the amount that the

10 cost of administering the certificate is offset by federal funds received to fund the administration of the program.

11 (2) If Subject to subsection (6), if a certificate holder does not apply for a renewal of the certificate before

12 July 1 and remit to the department the necessary renewal fee, the department shall suspend the certificate. ~~The~~

13 Subject to subsection (6), the department shall revoke any certificate that remains suspended for a period of

14 more than 30 days. However, the department, before this revocation, shall notify the certificate holder by certified

15 mail at the address on the issued certificate of its intention to revoke, at least 10 days before the time set for

16 action to be taken by the department on the certificate.

17 (3) A certificate once revoked may not be reinstated unless it appears that an injustice has occurred

18 through error or omission or other fact or circumstances indicating to the department that the certificate holder

19 was not guilty of negligence or laches.

20 (4) Notice of suspension must be given to the certificate holder when the suspension occurs and to the

21 proper official or owner of the treatment works or distribution system.

22 (5) If a person whose certificate has been revoked through the person's own fault desires to continue

23 as a water or wastewater plant operator, the person shall make application to the department under 37-42-304.

24 Successful completion of an examination may be required at the discretion of the department.

25 (6) This section may not be interpreted to conflict with the provisions of [section 2]."

26

27 **Section 44.** Section 37-43-307, MCA, is amended to read:

28 **"37-43-307. Annual renewal -- fee -- revocation for nonrenewal.** (1) The term for licenses issued

29 under this chapter is from July 1 of each year through the following June 30. After the payment of the initial fee

30 under 37-43-303, a licensee shall pay, before the first day of each license year, a renewal fee as prescribed by

1 the board.

2 (2) ~~If Subject to subsection (3), if~~ a licensee does not apply for renewal of ~~his the~~ license before the first
 3 day of a license year and remit to the department the renewal fee, ~~he shall have his the~~ license must be
 4 suspended by the board. ~~If Subject to subsection (3), if~~ the license remains suspended for a period of more than
 5 30 days after the first day of a license year, it ~~shall~~ must be revoked by the board. However, the department,
 6 prior to this revocation, shall notify the licensee of the board's intention to revoke at least 10 days prior to the
 7 time set for action to be taken by the board on the license, by mailing notice to the licensee at the address
 8 appearing for the licensee in the records and files of the department. A license once revoked may not be
 9 reinstated unless it appears that an injustice has occurred indicating to the board that the licensee was not guilty
 10 of negligence or laches. If a person whose license has been revoked through ~~his the person's~~ own fault desires
 11 to engage in the business of water well drilling or monitoring well construction in this state or contracting ~~therefor~~
 12 for those services, he the person must shall apply under 37-43-303. Notice of suspension ~~shall~~ must be given
 13 to a licensee when the suspension occurs.

14 (3) This section may not be interpreted to conflict with the provisions of [section 2]."

15

16 **Section 45.** Section 37-43-313, MCA, is amended to read:

17 "**37-43-313. Disciplinary authority.** (1) If the board finds grounds for disciplinary action, as provided
 18 in subsection (2), the board may by order:

19 (a) require a licensee to repair or reconstruct substandard wells at the licensee's expense to meet board
 20 standards;

21 (b) require a licensee to take further training or education;

22 (c) place probationary terms and conditions on a license;

23 (d) suspend a license for a period not to exceed 1 year; or

24 (e) revoke a license, specifying that the licensee may not reapply for licensure for a period of 3 years
 25 from the date of revocation.

26 (2) Grounds for disciplinary action include:

27 (a) violating the rules, construction standards, or laws established by the board and this chapter;

28 (b) disobeying an order from the board to repair or reconstruct a substandard well;

29 (c) violating probationary terms of or conditions on a license;

30 (d) misrepresenting facts on well log reports, license or renewal applications, or apprenticeship records

1 or in response to board inquiries; or

2 (e) failing to maintain qualifications for licensure as specified in 37-43-305.

3 (3) This section may not be interpreted to conflict with the provisions of [section 2].

4

5 **Section 46.** Section 37-47-307, MCA, is amended to read:

6 **"37-47-307. Investigation of applicant -- issuance or denial of license.** (1) The department shall
7 investigate each applicant for an outfitter's, guide's, or professional guide's license. The board shall determine
8 the applicant's qualifications.

9 (2) The board may deny or refuse to issue any new license or to renew any previous license if the
10 applicant does not meet the qualifications stated in this chapter or rules adopted pursuant to this chapter. In the
11 event that any application for a license is denied or refused, the board shall immediately notify the applicant,
12 setting forth in the notice the grounds upon which the denial or refusal is based.

13 (3) A licensee in good standing is entitled to a new license for the ensuing license year upon complying
14 with the provisions of this chapter or rules adopted pursuant to this chapter and upon completing an application
15 for license renewal on a form provided by the board.

16 (4) This section may not be interpreted to conflict with [section 2].

17

18 **Section 47.** Section 37-50-317, MCA, is amended to read:

19 **"37-50-317. Certificate, license, and permit expiration -- renewal fees.** (1) Certificates, licenses, and
20 permits issued by the board expire on the date set by department rule.

21 (2) Certificates and licenses must be renewed by the department upon payment of the periodic renewal
22 fee set by the board and upon compliance with requirements prescribed by the board.

23 (3) Permits must be renewed by the department upon payment of the periodic renewal fee and upon
24 compliance with the requirements prescribed by the board.

25 (4) This section may not be interpreted to conflict with [section 2].

26

27 **Section 48.** Section 37-51-310, MCA, is amended to read:

28 **"37-51-310. Renewal.** (1) License fees are due and payable for the ensuing licensure period at a time
29 prescribed by department rule. Failure to remit renewal fees before the expiration date of the licensure period,
30 except as provided in [section 2], automatically cancels the license, but otherwise the license remains in effect

1 continuously from the date of issuance unless suspended or revoked by the board for just cause.

2 (2) A licensee who allows the license to lapse by failing to remit the fees before the expiration date may
3 have the license reinstated by the board by:

4 (a) within 45 days after the expiration date, providing a satisfactory explanation to the board for the
5 licensee's failure to renew the license; and

6 (b) paying the current renewal fee prescribed by the board.

7 (3) The board may also charge a late fee equal to twice the current renewal fee, but not less than \$100,
8 to a licensee who does not renew the license as required by subsection (1).

9 (4) A licensee shall submit proof of completion of continuing education within the time and in the manner
10 required by the board. # Except as provided in [section 2], if a licensee fails to submit the proof, the board shall
11 notify the licensee of the failure and provide the licensee the opportunity to present to the board the reasons for
12 the failure. ~~Upon~~ Subject to [section 2], upon failure of the licensee to show good cause for failing to submit
13 timely proof of completion of continuing education, the board may suspend the individual's license. After
14 suspension, the licensee is entitled to a hearing on the suspension in accordance with the provisions of chapter
15 1, part 3, of this title and the contested case provisions of the Montana Administrative Procedure Act."
16

17 **Section 49.** Section 37-53-103, MCA, is amended to read:

18 **"37-53-103. Fees.** (1) The board shall charge and collect fees fixed by this section. All fees collected
19 under this chapter must be deposited into the state special revenue fund for the use of the board and are not
20 refundable except as provided in this chapter.

21 (2) The initial fee for filing an application for registration for sale of a timeshare is \$500. Any filing
22 containing over 400 intervals must be accompanied by a fee of \$5 for each additional interval.

23 (3) A fee for amendment of registration for the purpose of adding additional intervals during a
24 registration period is \$200 plus \$5 for each interval in excess of 50 added by such amendment.

25 (4) The fee for an application for renewal of registration is \$200.

26 (5) The fee for an initial application for or renewal of a license as a timeshare salesperson is \$15.

27 (6) The fee for an initial application for or renewal of a license as a timeshare broker is \$35.

28 (7) The fee for an amendment of registration, other than the addition of units, as required in
29 37-53-203(3), is \$200.

30 (8) This section may not be interpreted to conflict with [section 2]."

1

2 **Section 50.** Section 37-53-203, MCA, is amended to read:

3 **"37-53-203. Registration period -- renewal.** (1) A timeshare offering registration is effective for 1 year
4 from the date of approval of the registration application.

5 (2) Registration of a timeshare offering may be renewed for an additional 1-year period by filing a
6 renewal application with the board no later than 30 days before the expiration of the registration period and
7 paying the prescribed fee. A renewal application must contain any information the board requires to indicate any
8 substantial changes in the information contained in the original application.

9 (3) If a materially adverse change in the condition of the developer or an affiliate occurs during any
10 year, an amendment to the documents filed under 37-53-202 must be filed, along with the prescribed fee.

11 (4) This section may not be interpreted to conflict with [section 2]."

12

13 **Section 51.** Section 37-54-211, MCA, is amended to read:

14 **"37-54-211. Late renewal of license.** (1) A Subject to subsection (3), a license that is not renewed
15 within 1 year of the most recent renewal date automatically terminates. A licensee may renew the license within
16 the 1-year period from the date of most recent renewal by:

17 (a) filing with the board an application for late renewal on a form approved by the board;

18 (b) satisfying the requirements for continued licensure; and

19 (c) paying a late renewal fee prescribed by the board.

20 (2) The board may refuse to renew a license if the licensee has continued to perform appraisal services
21 as a licensed real estate appraiser following expiration of the license.

22 (3) This section may not be interpreted to conflict with [section 2]. "

23

24 **Section 52.** Section 37-54-311, MCA, is amended to read:

25 **"37-54-311. Late renewal of certificate.** (1) A Subject to subsection (3), a certificate that is not
26 renewed within 1 year of the most recent renewal date automatically terminates. A certificate holder may renew
27 the certificate within the 1-year period from the date of most recent renewal by:

28 (a) filing with the board an application for late renewal on a form approved by the board;

29 (b) satisfying the requirements set by law; and

30 (c) paying a late renewal fee prescribed by the board.

1 (2) The board may refuse to renew a certificate if the certificate holder has continued to perform
2 appraisal services in this state following expiration of the certificate.

3 (3) This section may not be interpreted to conflict with [section 2]."
4

5 **Section 53.** Section 37-60-312, MCA, is amended to read:

6 **"37-60-312. Renewal.** (1) Licenses and identification cards issued under this chapter expire at midnight
7 on the dates prescribed by department rule if not, in each instance, renewed. To renew an unexpired license,
8 the licensee shall, on or before the date on which it would otherwise expire, apply for renewal on a form
9 prescribed by the board and pay the renewal fee prescribed by this chapter.

10 (2) The board may refuse to renew a license or identification card for any reason for which it could
11 refuse to grant an original application or suspend or revoke any license or identification card.

12 (3) This section may not be interpreted to conflict with the provisions of [section 2]."
13

14 **Section 54.** Section 37-65-306, MCA, is amended to read:

15 **"37-65-306. Renewal -- fee.** (1) A licensed architect in this state who desires to continue the practice
16 of the profession shall, on or before the renewal date set by department rule:

17 ~~(1)(a)~~ pay to the department a reasonable fee as prescribed by the board; and

18 ~~(2)(b)~~ present evidence to the board of continued qualification for licensure.

19 (2) This section may not be interpreted to conflict with [section 2]."
20

21 **Section 55.** Section 37-66-307, MCA, is amended to read:

22 **"37-66-307. Renewal -- withdrawal -- deposit of fees.** (1) Certification of licensure or renewal of
23 registration expires on the date set by department rule. Renewal may be effected on or before the renewal date
24 by payment to the department of the required fee. The board shall issue current renewal registration to each
25 landscape architect promptly upon payment of the renewal registration fee.

26 (2) Any registrant in good standing, upon ceasing to practice landscape architecture, shall give written
27 notice to the board, and the board shall suspend the license. The person may resume practice upon payment
28 of the then-current fee and upon approval by the board.

29 (3) All fees received under the provisions of this chapter must be deposited in the state special revenue
30 fund by the department. The money collected must be used by the department to carry out the purpose, duties,

1 and responsibilities set forth in this chapter, subject to 37-1-101(6).

2 (4) This section may not be interpreted to conflict with [section 2]."

3

4 **Section 56.** Section 37-67-315, MCA, is amended to read:

5 **"37-67-315. Biennial renewal -- fee -- statement of competency.** (1) Licenses expire every second
6 year on the date established by rule of the department and become invalid on that date unless renewed. The
7 department shall notify each person licensed under this chapter of the date of the expiration of the person's
8 license and the amount of the fee required for its renewal for 2 years. This notice must be mailed at least 1
9 month in advance of the date of the expiration of the license. Renewal may be made prior to the expiration date
10 by the payment of a fee as set by the board for either a professional engineer or a professional land surveyor.
11 For renewal of a dual license as both a professional engineer and a professional land surveyor, the fee must
12 be set by the board.

13 (2) ~~A~~ Subject to subsection (5), a license may not be renewed unless the registrant submits a statement
14 to the effect and the board is satisfied that the licensee has maintained competency by:

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

16 (b) engaging in other activities that provide for the maintenance of competency if prescribed by board
17 rule, such as continuing education, which may require up to 15 professional development hours as prescribed
18 by board rule and is generally patterned after the model rules of the national council of examiners for
19 engineering and surveying.

20 (3) Failure on the part of a licensee to renew the license biennially prior to the expiration date does not
21 deprive the licensee of the right of renewal; however, a licensee who fails to pay the renewal fee for an additional
22 year of the biennium is considered a new applicant and is required to submit a new application.

23 (4) The fee for any licensee who fails to renew the license prior to the expiration date must be increased
24 by an amount not to exceed 50% of the renewal fee. Renewal may not be completed until all fees are paid.

25 (5) This section may not be interpreted to conflict with [section 2]."

26

27 **Section 57.** Section 37-68-310, MCA, is amended to read:

28 **"37-68-310. License renewal period -- renewal of lapsed licenses.** (1) Licenses of residential
29 electricians, journeyman electricians, or master electricians, unless they have been suspended or revoked by
30 the board or unless the department changes the duration of the renewal period, must be renewed for a period

1 of 3 years by the department on application for renewal made to the department on or before the renewal date
2 set by department rule and on the payment of a renewal fee. If application for renewal is not made on or before
3 the renewal date, an additional fee prescribed by board rule must be paid. It is unlawful for a person who refuses
4 or fails to pay the renewal fee to practice electrical work in this state. A person with a lapsed license may be
5 issued a renewal license without examination if the applicant pays the original renewal fee and any delinquency
6 fee within 1 year of the license expiration date. ~~A Subject to subsection (2), a lapsed license that is not renewed~~
7 within 1 year following its expiration date may not be renewed unless the applicant passes the examination and
8 pays the fee required for an original license.

9 ~~(2) This section may not be interpreted to conflict with [section 2]."~~

10

11 **Section 58.** Section 37-69-307, MCA, is amended to read:

12 **"37-69-307. Examination fee and renewal fee.** (1) An applicant for a master plumber's license may
13 not submit to the examinations prescribed by the board until the applicant has deposited with the department
14 an examination fee prescribed by the board, and an applicant for a journeyman plumber's license may not
15 submit to the examination prescribed by the board until the applicant has deposited with the department an
16 examination fee as prescribed by the board.

17 (2) ~~A Subject to subsection (4), a~~ license when issued expires on the date established by rule of the
18 department. A license issued to a master plumber or a journeyman plumber may be renewed without
19 examination, at any time prior to its expiration, by a written request for its renewal directed to the department
20 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
21 board for renewal of a journeyman plumber's license. Renewal is for the period established by the department
22 by rule.

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

25 ~~(4) This section may not be interpreted to conflict with [section 2]."~~

26

27 **Section 59.** Section 37-72-306, MCA, is amended to read:

28 **"37-72-306. Renewal.** (1) ~~A Subject to subsection (3), a~~ license issued under this chapter expires and
29 is invalid after the renewal date established by the department by rule. The department shall notify each person
30 licensed under this chapter of the date of the expiration of the person's license and the amount of the license

1 renewal fee. The notice must be mailed to each licensed construction blaster at the blaster's listed address at
2 least 1 month before the expiration of the blaster's license.

3 (2) Renewal may be made by application during the 60 days prior to the expiration date. Failure on the
4 part of a licensee to pay the renewal fee by the expiration date does not deprive the licensee of the right to renew
5 the licensee's license, but subject to subsection (3), the fee must be increased 10% for each month or major
6 portion of a month that the payment of the renewal fee is delayed after the expiration date. The maximum fee
7 for delayed renewal may not exceed twice the normal renewal fee. Application for renewal following a lapse of
8 1 year or more is subject to review by the department, and the applicant may be required to successfully
9 complete an examination.

10 (3) This section may not be interpreted to conflict with [section 2]."
11

12 **SECTION 60. SECTION 50-6-203, MCA, IS AMENDED TO READ:**

13 **"50-6-203. Rules.** (1) The board, after consultation with the department of public health and human
14 services, the department of justice, and other appropriate departments, associations, and organizations, shall
15 adopt rules of the board implementing this part, including but not limited to training and certification of emergency
16 medical technicians and administration of drugs.

17 (2) The board may, by rule, establish various levels of emergency medical technician certification and
18 shall specify for each level the training requirements, acts allowed, recertification requirements, and any other
19 requirements regarding the training, performance, or certification of that level of emergency medical technician
20 that it considers necessary, subject to the provisions of [section 2]."
21

22 **NEW SECTION. Section 61. Codification instruction.** (1) [Section 1] is intended to be codified as
23 an integral part of Title 20, chapter 7, part 1, and the provisions of Title 20, chapter 7, part 1, apply to [section
24 1].

25 (2) [Section 2] is intended to be codified as an integral part of Title 37, chapter 1, part 1, and the
26 provisions of Title 37, chapter 1, part 1, apply to [section 2].
27

28 **NEW SECTION. Section 62. Effective date.** [This act] is effective on passage and approval.
29

30 **NEW SECTION. SECTION 63. RETROACTIVE APPLICABILITY.** [THIS ACT] APPLIES RETROACTIVELY, WITHIN THE

1 MEANING OF 1-2-109, TO OCCURRENCES AFTER DECEMBER 31, 2002.

2 - END -