

HOUSE BILL NO. 152

INTRODUCED BY B. MERCER

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO PROFESSIONAL AND
OCCUPATIONAL LICENSING BY THE DEPARTMENT OF LABOR AND INDUSTRY; ~~REORGANIZING AND
CLARIFYING GENERALLY APPLICABLE PROVISIONS UNDER AN ADMINISTRATIVE CHAPTER AND
REMOVING REDUNDANT PROVISIONS; INCORPORATING DEPARTMENT LICENSING PROGRAMS INTO
THE ADMINISTRATIVE CHAPTER; CREATING A UNIFORM LICENSING APPLICATION PROCESS;
REVISING LICENSURE BY ENDORSEMENT AND CHANGING TERMINOLOGY; REDUCING TIMELINES
AND REVISING PROVISIONS TO ISSUE LICENSES; REVISING AND CREATING UNIFORM DUTY OF
LICENSEE AND LICENSE APPLICANT TO SELF-REPORT AND REPORT UNPROFESSIONAL CONDUCT
OF OTHERS; REVISING UNIFORM FINGERPRINTING PROCESS FOR CERTAIN APPLICANTS; REVISING
AND CREATING UNIFORM STANDARDS FOR MENTAL AND PHYSICAL EVALUATIONS; REVISING AND
CREATING UNIFORM DUTY TO PROVIDE CONTACT INFORMATION; PROVIDING NOTICE OF PRIMARY
METHOD OF COMMUNICATION; PROVIDING AUTHORITY TO CONSENT TO NOTICE BY ELECTRONIC
PROCESS; REVISING PROVISIONS FOR LICENSE RENEWAL, LAPSE, TERMINATION, AND
CONTINUING JURISDICTION; REVISING TEMPORARY LICENSURE TERMINOLOGY AND CREATING A
PROVISIONAL LICENSE AND LIMITED PRACTICE REGISTRATION; ESTABLISHING A MILITARY SPOUSE
TEMPORARY LICENSE; REVISING MILITARY PERSONNEL EXEMPTIONS; ~~REVISING CONTINUING
EDUCATION REQUIREMENTS; REVISING DUTIES OF THE COMMISSIONER OF THE DEPARTMENT OF
LABOR AND INDUSTRY; REVISING DUTIES OF THE DEPARTMENT OF LABOR AND INDUSTRY
RELATED TO FISCAL ADMINISTRATION OF BOARDS AND PROGRAMS, DETERMINING SUBSTANTIAL
EQUIVALENCY, AND INVESTIGATING COMPLAINTS; REVISING AND CLARIFYING PROVISIONS
RELATED TO DISCIPLINARY ACTIONS AND CONTESTED CASES; REVISING RESPONSIBILITIES AND
AUTHORITY OF BOARDS AND PROGRAMS; PROVIDING RULEMAKING AUTHORITY; REVISING
MILITARY TRAINING OR EXPERIENCE REQUIREMENTS RELATING TO LICENSING OR CERTIFICATION
REQUIREMENTS; EXEMPTING FEES; AND~~ AMENDING SECTIONS SECTION 2-15-121, 2-15-1738, 2-15-~~

Amendment - 1st Reading-white - Requested by: Derek Harvey - (H) Business and Labor

- 2023

68th Legislature 2023

Drafter: Jameson Walker, 406-444-3722

HB0152.001.010

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

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

NEW SECTION. Section 1. Military spouse temporary license. (1) A spouse of an active member serving in the United States armed forces stationed in Montana under military orders who is licensed in good standing in another state or United States territory to practice a profession or occupation regulated by the department is, on application to the department, entitled to receive a temporary license to practice.

(2) The department shall waive the application fee.

(3) A temporary license issued under this section has a term of 3 years after the date of issuance and may not be renewed. The provisions of 37-1-141 do not apply to this section.

NEW SECTION. Section 2. Activated military personnel exemptions. (1) Upon notice and proof of deployment as described in this subsection, the department shall exempt licensees who deployed to federal funded active duty as military personnel for more than 90 consecutive days from:

(a) the payment of any license renewal or late renewal fees; and

(b) any continuing education or certification requirements or audits for a renewal cycle that falls within the period of active duty and within the 6 months following active duty.

(2) If a license in subsection (1) terminates as provided in 37-1-141, the board or program may impose reasonable conditions to demonstrate competency as a condition to reactivate the license upon notice and opportunity for a hearing pursuant to 37-1-309.

Section 3. Section 37-1-145, MCA, is amended to read:

"37-1-145. Military training or experience to satisfy licensing or certification requirements—~~rulemaking.~~ (1) ~~Each licensing board or the department on behalf of a program shall adopt rules that provide that certification or licensure requirements established by that board or program may be met by relevant military training, service, or education completed by an individual as a member of the armed forces or reserves of the United States, the national guard of a state, or the military reserves.~~

~~(2)—(a) An applicant for certification or licensure shall provide to the board or, if applying for licensure by a program, to the department satisfactory evidence, as specified in rule, of receiving military training, service, or education that is equivalent to relevant certification or licensure requirements.~~

~~(b)—The department and each licensing~~Each board and program shall, upon presentation of satisfactory evidence by an applicant for ~~certification or~~ licensure, accept relevant education, training, or service completed ~~by an individual as a member of~~ in the armed forces or reserves of the United States, ~~or the national guard of a state, or the military reserves,~~ or naval militia of a state toward the qualifications to receive the license ~~or certification.~~"

NEW SECTION. **Section 4. Codification instruction.** (1) [Section 1] is intended to be codified as an integral part of Title 37, chapter 1, and the provisions of Title 37, chapter 1, apply to [section 1].

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

- END -