

1 HOUSE BILL NO. 87
 2 INTRODUCED BY B. MERCER
 3 BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO LICENSING
 6 BOARDS; ESTABLISHING STANDARDS FOR APPOINTMENTS, QUALIFICATIONS, AND TERMS FOR
 7 LICENSING BOARDS; PROVIDING FOR STANDARDIZED LICENSING BOARD ORGANIZATION AND
 8 COMPENSATION; REVISING REQUIREMENTS TO REVIEW REQUESTS TO CREATE A NEW LICENSING
 9 BOARD; ADDING LICENSING PROGRAMS TO THE REVIEW REQUIRED FOR NEW LICENSING BOARDS;
 10 AMENDING SECTIONS 2-8-401, 2-8-402, 2-15-1730, 2-15-1731, 2-15-1732, 2-15-1733, 2-15-1734, 2-15-
 11 1735, 2-15-1736, 2-15-1737, 2-15-1738, 2-15-1739, 2-15-1740, 2-15-1741, 2-15-1742, 2-15-1743, 2-15-1744,
 12 2-15-1747, 2-15-1748, 2-15-1749, 2-15-1750, 2-15-1751, 2-15-1753, 2-15-1756, 2-15-1757, 2-15-1758, 2-15-
 13 1761, 2-15-1763, 2-15-1764, 2-15-1765, 2-15-1771, 2-15-1773, 2-15-1781, AND 2-15-1782, MCA;
 14 REPEALING SECTION 2-8-403, MCA; AND PROVIDING AN EFFECTIVE DATE."

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17
18 NEW SECTION. **Section 1. Appointment -- qualifications -- terms.** (1) The governor shall appoint
19 the members of a board designated under 2-15-1730 through 2-15-1782 in accordance with this section and
20 with the consent of the senate.

21 (2) The governor shall have the authority to remove members of the board with or without cause. A
22 board member who misses three meetings over a period of 1 year without good cause must be removed from
23 the board automatically.

24 (3) Each board must be composed of professional and public members.

25 (4) Each professional member of a board must, while serving as a board member:

26 (a) be a resident of this state and at least 18 years of age; and

27 (b) be currently practicing in the profession or occupation and have an active license in this state in
28 good standing for the profession or occupation in which the member is appointed to serve. For the purposes of

1 board of real estate appraisers.

2 (2) The board consists of ~~seven~~five members appointed by the governor with the consent of the
3 senate.:

4 (3)(a) ~~Five members must be licensed or certified~~ four real estate appraisers for a minimum of 3
5 years, of whom two members are certified general appraisers and two members are certified residential
6 appraisers; and

7 (b) two members must be representatives of the public who are not engaged in the occupation of
8 real estate appraisal one public member.

9 (4) ~~A screening panel of the board, established pursuant to 37-1-307, must be composed of at least~~
10 ~~three members and shall include one member of the board who represents the public and is not engaged in the~~
11 ~~occupation of real estate appraisal. Any determination that a licensee has violated a statute or rule in a manner~~
12 ~~that justifies disciplinary proceedings must be concurred in by a majority of the members of the screening~~
13 ~~panel.~~

14 (5) ~~Members shall serve staggered 3-year terms. A member may not serve for more than three~~
15 ~~consecutive terms.~~

16 (6)(3) The board is allocated to the department for administrative purposes only, as prescribed in 2-
17 15-121.

18 (7) ~~A board member may be removed from the board by the governor for neglect or cause.~~

19 (8) ~~The board shall meet at least once each calendar quarter to transact its business.~~

20 (9) ~~The board shall elect a presiding officer from among its members.~~

21 (10) ~~A board member must receive compensation and travel expenses, as provided in 37-1-133."~~

22

23 **Section 29.** Section 2-15-1761, MCA, is amended to read:

24 **"2-15-1761. Board of architects and landscape architects.** (1) ~~There~~ In accordance with [section
25 1], there is a board of architects and landscape architects.

26 (2) The board consists of ~~six~~five members appointed by the governor with the consent of the
27 senate. The members are:

28 (a) two~~three~~ licensed architects who have been in continuous practice for 3 years before their

1 appointment, ~~one of whom has teaching experience at one or more schools of architecture;~~

2 (b) ~~one licensed architect who is on the staff of the Montana state university-Bozeman school of~~
3 ~~architecture;~~

4 (c) ~~one representative of the public who is not engaged in or directly connected with the practice of~~
5 ~~architecture or landscape architecture; and~~

6 (d)(b) ~~two licensed landscape architects~~ one landscape architect; and

7 (c) one public member.

8 (3) ~~Each member must have been a resident of Montana for 4 years prior to appointment.~~

9 (4) ~~Each member shall serve for a term of 3 years.~~

10 (5)(3) ~~The board is allocated to the department for administrative purposes only as prescribed in 2-~~
11 ~~15-121."~~

12

13 **Section 30.** Section 2-15-1763, MCA, is amended to read:

14 **"2-15-1763. Board of professional engineers and professional land surveyors.** (1) ~~There in~~
15 ~~accordance with [section 1], there is a board of professional engineers and professional land surveyors.~~

16 (2) ~~The board consists of nine members appointed by the governor with the consent of the senate.~~
17 ~~The members are:~~

18 (a) ~~five professional engineers who have been engaged in the practice of engineering for at least~~
19 ~~12 years and who have been in responsible charge of engineering teaching or important engineering work for at~~
20 ~~least 5 years and licensed in Montana for at least 5 years~~ work or have teaching experience at one or more
21 schools of engineering. No more than two of these members may be from the same branch of engineering.

22 (b) ~~two professional and practicing land surveyors who have been engaged in the practice of land~~
23 ~~surveying for at least 12 years and who have been in responsible charge of land surveying or important land~~
24 ~~surveying work for at least 5 years and licensed in Montana for at least 5 years; and~~ and

25 (c) ~~two representatives of the public who are not engaged in or directly connected with the practice~~
26 ~~of engineering or land surveying~~ public members.

27 (3) ~~Each member must be a citizen of the United States and a resident of this state. A member,~~
28 ~~after serving three consecutive terms, may not be reappointed.~~