

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; ALLOWING THE DEPARTMENT OF LABOR AND INDUSTRY TO CHARGE FEES; ADDING
10 LICENSING PROGRAMS TO THE REVIEW REQUIRED FOR NEW LICENSING BOARDS; AMENDING
11 SECTIONS 2-8-401, 2-8-402, 2-15-1730, 2-15-1731, 2-15-1732, 2-15-1733, 2-15-1734, 2-15-1735, 2-15-1736,
12 2-15-1737, 2-15-1738, 2-15-1739, 2-15-1740, 2-15-1741, 2-15-1742, 2-15-1743, 2-15-1744, 2-15-1747, 2-15-
13 1748, 2-15-1749, 2-15-1750, 2-15-1751, 2-15-1753, 2-15-1756, 2-15-1757, 2-15-1758, 2-15-1761, 2-15-1763,
14 2-15-1764, 2-15-1765, 2-15-1771, 2-15-1773, 2-15-1781, ~~AND 2-15-1782~~, AND 37-1-133, MCA; REPEALING
15 SECTION 2-8-403, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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

22 (2) The governor shall have the authority to remove members of the board ~~with or without cause~~
23 for documented misconduct, incompetence, or neglect of duty. A board member who misses three meetings
24 over a period of 1 year without good cause must be removed from the board automatically.

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

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

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

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1 (b) be currently practicing in the profession or occupation and have an active license in this state
2 for at least 1 year and in good standing for the profession or occupation in which the member is appointed to
3 serve. For the purposes of this section, "good standing" means an active license unencumbered by a final order
4 of disciplinary action or administrative suspension.

5 (c) be subject to any other applicable requirements or qualifications that are required by the
6 particular board.

7 (5) (a) Each public member of the board must be a resident of this state and at least 18 years of
8 age.

9 (b) A public member may not be:

10 ~~(i) or ever have been, a licensee of the board on which the public member is appointed to serve;~~

11 ~~(ii) the spouse, parent, or child of a current or former licensee of the board; or~~

12 ~~(iii) a person who currently or within the 3 years prior to appointment had any material financial~~
13 interest in the provision of professional services or engaged in any activity related to the practice of the
14 profession regulated by the board on which the public member is appointed to serve, except as a consumer.

15 (6) (a) Each board member shall maintain eligibility to serve on the board by avoiding or disclosing
16 conflicts of interest or relationships that would interfere with the board mission of public protection.

17 (b) (i) A member of the board may not serve as an officer or hold any leadership position in a state
18 or national professional association representing the industry related to the profession regulated by the board
19 for the term of the board member's appointment.

20 (ii) A leadership position includes but is not limited to a voting member of an executive board or
21 service on ~~an ethics committee, membership committee, examination committee, or other similar positions of~~
22 the association or other similar organization a disciplinary committee or other similar position.

23 (7) A board member may not have a financial interest in the provision of continuing education to
24 any licensee if that continuing education is required by statute or rule.

25 (8) Each member of the board shall annually attest to having completed coursework or training of a
26 duration and covering content provided by the department to address relevant regulatory issues, including role
27 of the board, role of the board member, conflict of interest, competition, administrative procedures,

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1 enforcement, and immunity.

2 (9) Except as provided in subsection (10), board members must be appointed by the governor with
3 the consent of the senate for a term of 4 years unless appointed to fill a vacancy that occurs prior to the
4 expiration of a former member's full term. A member appointed to fill a vacancy under this section shall serve
5 the remaining portion of the unexpired term. Appointments made when the legislature is not in session must be
6 confirmed at the next regular legislative session.

7 (10) The terms of the board members begin on July 1 and are staggered. Subject to 2-16-213, each
8 member shall serve until the expiration of their term unless the member cannot serve because of removal or
9 resignation from board membership.

10 (11) A member may serve two consecutive full terms and may not be reappointed within 4 years of the
11 completion of the member's second consecutive full term except in cases when no qualified applications are
12 received for membership on the board. For the purposes of this section, an appointment to fill an unexpired
13 term does not constitute a full term.

14
15 **NEW SECTION. Section 2. Board organization -- meetings -- compensation.** (1) The board shall
16 annually elect a presiding officer and a vice presiding officer to serve in the absence of the presiding officer.
17 The presiding officer shall preside at all meetings of the board and perform duties customarily associated with
18 the position. The presiding officer may establish board committees to further board business and designate
19 ~~board members as~~ committee members.

20 (2) A presiding officer elected by the board shall serve a 1-year term commencing at the
21 conclusion of the meeting at which the presiding officer is elected and ending on the election of their successor.
22 A presiding officer may serve no more than four consecutive 1-year terms.

23 (3) The board shall meet at least annually to conduct business. A majority of the membership of
24 the board constitutes a quorum to conduct business. ~~For the purposes of this subsection, the "membership" of~~
25 ~~the board does not include members whose terms have expired or who have been removed from board~~
26 ~~membership.~~

27 (4) Members of the board are entitled to compensation and travel expenses as provided in 37-1-

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1 133.

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3 **Section 3.** Section 2-8-401, MCA, is amended to read:

4 **"2-8-401. Purpose.** It is the intent of the legislature to:

5 (1) exercise the police power of the state through the establishment of licensing boards and
6 licensing programs only when regulation of a profession or occupation benefits the public health, safety,
7 welfare, or common good of the state's residents and that benefit outweighs the potential increased cost to the
8 public and limitation on competition;

9 (2) recognize those professions or occupations that require specialized skill or training; and

10 (3) provide the public with a means to determine whether practitioners have met competency
11 standards and to complain if the competency is suspect."
12

13 **Section 4.** Section 2-8-402, MCA, is amended to read:

14 **"2-8-402. Intent to create new board.** (1) A bill draft request to create a department of labor and
15 industry licensing board or licensing program must include a letter of intent not exceeding 1,000 words report
16 that addresses the criteria in subsections (2) and (3).;

17 ~~(2) The letter of intent must contain the following descriptions:~~

18 (a) how licensing would protect and benefit the public; ~~and, in particular,~~

19 ~~(b) how the unregulated practice of the profession or occupation would pose a hazard to public~~
20 ~~health, safety, or welfare or the common good~~ and whether the nature of the profession or occupation makes it
21 difficult for the consumer to evaluate the hazard;

22 ~~(b)(c) the extent of practitioners' autonomy, as indicated by the degree of independent judgment that~~
23 ~~a practitioner may exercise or the extent of skill or experience required in making the independent judgment~~
24 proposed minimum education, experience, and examination requirements necessary to provide the service,
25 comparative data, and analysis on the licensure of the profession or occupation in other states and whether the
26 proposed requirements are greater, less than, or equal to a national average;

27 ~~(e)(d) the distinguishable~~ proposed scope of practice;

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1 ~~(d)(e)~~ the overlap or shared a description of any overlapping scopes of practices practice with an
2 existing, licensed profession or occupation professions or occupations, whether licensed or not;

3 ~~(e)~~ the degree, if any, to which licensing would restrict entry into the profession or occupation for
4 reasons other than public health, safety, or welfare or the common good;

5 ~~(f)~~ the specialized skills or training required for the profession or occupation;

6 ~~(g)~~ the proposed qualifications for licensure;

7 ~~(f)~~ an analysis of the impact licensure would have on the type, cost, and availability of services to
8 consumers, the number of providers currently in the market, and other impacts on market conditions;

9 ~~(h)(g)~~ whether a description of any licensure exception exceptions; would be provided to existing
10 practitioners and whether those eligible for the exception

11 ~~(h)~~ existing practitioners and the date by which they would be required to meet proposed
12 qualifications at a certain time;

13 ~~(i)~~ a list of other states that license the profession or occupation;

14 ~~(j)~~ regulatory alternatives other than licensing that are available to the practitioners of the
15 profession or occupation; and

16 ~~(k)~~ previous efforts, if any, to regulate the profession or occupation; and

17 ~~(l)~~ whether the profession or occupation could be regulated by an existing licensing board or
18 licensing program.

19 ~~(3)(2)~~ In order to help in the determination of licensing To estimate initial costs, the letter of intent
20 report must contain a good faith effort to provide answers to the following questions address:

21 ~~(a)~~ how many the number of licensees are anticipated, including the number of practitioners in
22 Montana and a basis for the estimate;

23 ~~(b)~~ what is if a licensing board is proposed, the proposed makeup of the licensing board
24 membership; and

25 ~~(c)~~ what are the projected annual licensing fees based on information from the department of labor
26 and industry for all costs associated with a licensing board or licensing program of the projected size.

27 ~~(4)~~ After receiving a copy of the responses to subsections (2), (3)(a), and (3)(b), the department of

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1 labor and industry shall assist those developing the letter of intent under 2-8-403 or this section with the
2 responses to subsection (3)(c) of this section.

3 (5) For the purposes of this section, a letter of intent is a public record

4 ~~(3) For the purposes of membership of a board, the inclusion of an additional license type to be~~
5 ~~regulated to an existing board may not result in adding that license type as a member of the board if the scope~~
6 ~~of practice of the newly regulated license type is within the scope of an existing professional board member~~
7 ~~position on the board.~~

8 ~~(3) If information is requested of the department of labor and industry in making a report under this~~
9 ~~section, the department may charge reasonable fees commensurate with the costs of producing the~~
10 ~~information."~~

11

12 **Section 5.** Section 2-15-1730, MCA, is amended to read:

13 **"2-15-1730. Alternative health care board --composition--terms--allocation.** (1) There in
14 accordance with [section 1], there is an alternative health care board.

15 (2) The board consists of six members appointed by the governor with the consent of the senate.
16 The members are:

17 (a) ~~two persons~~ members from each of the health care professions regulated by the board who
18 ~~have been actively engaged in the practice of their respective professions for at least 3 years preceding~~
19 ~~appointment to the board;~~

20 (b) ~~one public member who is not a member of a profession regulated by the board; and~~

21 (c) ~~one member who is a Montana physician whose practice includes obstetrics; and~~

22 (d) one public member.

23 ~~(3) The members must have been residents of this state for at least 3 years before appointment to the~~
24 ~~board.~~

25 ~~(4) All members shall serve staggered 4-year terms. The governor may remove a member from the~~
26 ~~board for neglect of a duty required by law, for incompetency, or for unprofessional or dishonorable conduct.~~

27 ~~(5)~~(3) The board is allocated to the department for administrative purposes only, as prescribed in 2-

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1 15-121."

2

3 **Section 6.** Section 2-15-1731, MCA, is amended to read:

4 **"2-15-1731. Board of medical examiners.** (1) There ~~In accordance with [section 1], there is a~~
5 Montana state board of medical examiners.

6 (2) The board consists of 13 members ~~appointed by the governor with the consent of the senate.~~
7 ~~Appointments made when the legislature is not in session may be confirmed at the next session.;~~

8 ~~(3) The members are:~~

9 (a) ~~five members having the degree of doctor of medicine~~ doctors of medicine, including one
10 ~~member with experience in emergency medicine;~~

11 (b) ~~one member having the degree of doctor of osteopathy;~~

12 (c) ~~one member who is a licensed podiatrist;~~

13 (d) ~~one member who is a licensed nutritionist;~~

14 (e) ~~one member who is a licensed physician assistant;~~

15 (f) ~~one member who is a licensed acupuncturist;~~

16 (g) ~~one member who is a volunteer emergency care provider, as defined in 50-6-202, who may be~~
17 a volunteer emergency care provider; and

18 (h) ~~two public members of the general public who are not medical practitioners.~~

19 ~~(4) (a) The members having the degree of doctor of medicine may not be from the same county.~~

20 ~~(b) The volunteer emergency care provider must have a demonstrated interest in and knowledge of~~
21 ~~state and national issues involving emergency medical service and community integrated health care.~~

22 ~~(c) Each member must be a citizen of the United States.~~

23 ~~(d) Each member, except for public members, must have been licensed and must have practiced~~
24 ~~medicine, acupuncture, emergency medical care, or dietetics nutrition in this state for at least 5 years and must~~
25 ~~have been a resident of this state for at least 5 years.~~

26 ~~(5) Members shall serve staggered 4-year terms. A term begins on September 1 of each year of~~
27 ~~appointment. A member may be removed by the governor for neglect of duty, incompetence, or unprofessional~~

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1 ~~or dishonorable conduct.~~

2 (3) The emergency care provider must have a demonstrated interest in and knowledge of state
3 and national issues involving emergency medical service and community-integrated health care.

4 (4) Members shall serve staggered 4-year terms.

5 ~~(6)(3)(5) The board is allocated to the department for administrative purposes only as~~
6 ~~prescribed in 2-15-121."~~

7

8 **Section 7.** Section 2-15-1732, MCA, is amended to read:

9 **"2-15-1732. Board of dentistry.** (1) ~~There~~ In accordance with [section 1], there is a board of
10 dentistry.

11 (2) ~~The board consists of five dentists, one denturist, two dental hygienists, and two public~~
12 ~~members, one of whom must be a senior citizen. All members are appointed by the governor with the consent~~
13 ~~of the senate. Each licensed member must be licensed to practice as a dentist, denturist, or dental hygienist in~~
14 ~~this state, must have actively practiced in this state for at least 5 continuous years immediately before the~~
15 ~~member's appointment, and must be actively engaged in practice while serving on the board. Each member~~
16 ~~must be a resident of this state. eight-ten members:~~

17 (a) ~~four~~ five dentists;

18 (b) ~~one~~ denturist;

19 (c) ~~two~~ dental hygienists; and

20 (d) ~~one~~ two public ~~member~~ members.

21 ~~(3) Each member shall serve for a term of 5 years. The governor may remove a member only for~~
22 ~~neglect or cause.~~

23 ~~(4) The governor shall fill any vacancy within 30 days.~~

24 (3) Each member who is not a public member must be licensed to practice as a dentist, denturist,
25 or dental hygienist in this state, must have actively practiced in this state for at least 5 continuous years
26 immediately before the member's appointment, and must be actively engaged in practice while serving on the
27 board. Each member must be a resident of this state.

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1 ~~(5)~~(3)(4) The board is allocated to the department for administrative purposes only as
2 prescribed in 2-15-121."

3

4 **Section 8.** Section 2-15-1733, MCA, is amended to read:

5 **"2-15-1733. Board of pharmacy.** (1) ~~There~~ In accordance with [section 1], there is a board of
6 pharmacy.

7 (2) The board consists of ~~seven members appointed by the governor with the consent of the~~
8 ~~senate. Four members must be licensed pharmacists, one member must be a registered pharmacy technician,~~
9 ~~and two members must be from the general public.~~ five six members:

10 (a) Each licensed pharmacist member must have graduated and received the first professional
11 undergraduate degree from the school of pharmacy of the university of Montana Missoula or from an accredited
12 pharmacy degree program that has been approved by the board. Each licensed pharmacist member must have
13 at least 5 consecutive years of practical experience as a pharmacist immediately before appointment to the
14 board. A licensed pharmacist member who, during the member's term of office, ceases to be actively engaged
15 in the practice of pharmacy in this state must be automatically disqualified from membership on the board. three
16 four pharmacists;

17 (b) A registered one pharmacy technician member must have at least 5 consecutive years of
18 practical experience as a pharmacy technician immediately before appointment to the board. A registered
19 pharmacy technician member who, during the member's term of office, ceases to be actively engaged as a
20 pharmacy technician in this state must be automatically disqualified from membership on the board. ; and

21 (c) Each one public member of the board must be a resident of the state and may not be or ever
22 have been.:

23 (i) ~~a member of the profession of pharmacy or the spouse of a member of the profession of~~
24 ~~pharmacy;~~

25 (ii) ~~a person having any material financial interest in the providing of pharmacy services; or~~

26 (iii) ~~a person who has engaged in any activity directly related to the practice of pharmacy.~~

27 (3) ~~Members shall serve staggered 5-year terms. A member may not serve more than two~~

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1 ~~consecutive full terms. For the purposes of this section, an appointment to fill an unexpired term does not~~
2 ~~constitute a full term.~~

3 ~~(4) A member must be removed from office by the governor:~~

4 ~~(a) upon proof of malfeasance or misfeasance in office, after reasonable notice of charges against the~~
5 ~~member and after a hearing; or~~

6 ~~(b) upon refusal or inability to perform the duties of a board member in an efficient, responsible, and~~
7 ~~professional manner.~~

8 ~~(5)(3) The board is allocated to the department for administrative purposes only as prescribed in 2-~~
9 ~~15-121."~~

10

11 **Section 9.** Section 2-15-1734, MCA, is amended to read:

12 **"2-15-1734. Board of nursing.** (1) ~~There~~ In accordance with [section 1], there is a board of nursing.

13 (2) The board consists of ~~nine~~ seven eight members appointed by the governor with the consent of
14 ~~the senate.~~ The members are:

15 (a) five registered professional nurses, of whom at least including:

16 (i) at least one must have had at least 5 years with experience in administrative administration,
17 teaching, or supervisory experience supervision in one or more schools of nursing; ~~;~~

18 (ii) at least one must be an advanced practice registered nurse; ~~;~~

19 (iii) at least one must be engaged in nursing practice in a rural health care facility; ~~;~~ and

20 (iv) at least one must be currently engaged in the administration, supervision, or provision of direct
21 client care. Each member who is a registered professional nurse must:

22 (i) ~~be a graduate of an approved school of nursing;~~

23 (ii) ~~be a licensed registered professional nurse in this state;~~

24 (iii) ~~have had at least 5 years' experience in nursing following graduation; and~~

25 (iv) ~~be currently engaged in the practice of professional nursing and have practiced for at least 5~~
26 ~~years.;~~

27 (b) two practical nurses. Each must: one nurse two practical nurses; and

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- 1 ~~(i) be a graduate of a school of practical nursing;~~
2 ~~(ii) be a licensed practical nurse in this state;~~
3 ~~(iii) have had at least 5 years' experience as a practical nurse; and~~
4 ~~(iv) be currently engaged in the practice of practical nursing and have practiced for at least 5 years.~~
5 (c) ~~two public members who are not medical practitioners, involved in the practice of nursing or~~
6 ~~employment of nursing, or administrators of Montana health care facilities~~ one public member.

7 ~~(3) All members must have been residents of this state for at least 1 year before appointment and~~
8 ~~must be citizens of the United States.~~

9 ~~(4) All members shall serve staggered 4-year terms, and a member may not be appointed for more~~
10 ~~than two consecutive terms. The governor may remove a member from the board for neglect of a duty required~~
11 ~~by law or for incompetency or unprofessional or dishonorable conduct.~~

12 ~~(5)(3) The board is allocated to the department for administrative purposes only as prescribed in 2-~~
13 ~~15-121."~~

14
15 **Section 10.** Section 2-15-1735, MCA, is amended to read:

16 **"2-15-1735. Board of nursing home administrators.** ~~(1) There~~ In accordance with [section 1], there
17 is a board of nursing home administrators.

18 (2) ~~The board consists of six voting members appointed by the governor with the consent of the~~
19 ~~senate.~~

20 ~~(a) Three members must be three nursing home administrators. One member shall represent the~~
21 ~~public at large and must be 55 years of age or older at the time of appointment. The other~~

22 ~~(b) two members must be representatives of professions or institutions concerned with the care of~~
23 ~~chronically ill and infirm aged patients and that may not be from the same profession or have a financial interest~~
24 ~~in a nursing home; and~~

25 ~~(c) one public member.~~

26 ~~(3) The director of the department of public health and human services or the director's designee is an~~
27 ~~ex-officio, nonvoting member of the board.~~

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1 ~~licensed hearing aid dispenser, or a licensed audiologist, and at least one of whom must regularly use a~~
2 ~~hearing aid because of a demonstrated hearing impairment. One public member may meet both the conditions~~
3 ~~in this subsection (2)(b).~~

4 ~~(3) Each member shall serve for 3 year terms. A member may not be reappointed within 1 year after~~
5 ~~the expiration of the member's second consecutive full term.~~

6 ~~(4)(3) The board is allocated to the department for administrative purposes only as prescribed in 2-~~
7 ~~15-121."~~

8

9 **Section 16.** Section 2-15-1741, MCA, is amended to read:

10 **"2-15-1741. Board of psychologists.** (1) ~~There~~ In accordance with [section 1], there is a board of
11 psychologists.

12 (2) ~~The board consists of six members appointed by the governor with the consent of the senate;~~

13 ~~(a) Two members must be two licensed psychologists engaged in private practice;~~

14 ~~(b) one member must be a licensed psychologist engaged in public health;~~

15 ~~(c) one member must be a licensed psychologist engaged in the teaching of psychology;~~

16 ~~(d) one member must be a behavior analyst licensed under Title 37, chapter 17, part 4; and~~

17 ~~(e) one public member must be from the general public. A member may not serve more than two~~
18 ~~consecutive 5 year terms.~~

19 ~~(3) Members shall serve staggered 5 year terms.~~

20 ~~(4)(3) The board is allocated to the department for administrative purposes only, as prescribed in 2-~~
21 ~~15-121."~~

22

23 **Section 17.** Section 2-15-1742, MCA, is amended to read:

24 **" 2-15-1742. (Temporary) Board of veterinary medicine.** (1) ~~There is a board of veterinary~~
25 ~~medicine.~~

26 ~~(2) The board consists of six members appointed by the governor with the consent of the senate, five~~
27 ~~of whom must be licensed veterinarians and one of whom must be a public member who is a consumer of~~

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1 ~~veterinary services and who may not be a licensee of the board or of any other board under the department of~~
2 ~~labor and industry.~~

3 ~~(3) Each veterinarian member must be a reputable licensed veterinarian who has graduated from a~~
4 ~~college that is authorized by law to confer degrees and that has educational standards equal to those approved~~
5 ~~by the American veterinary medical association. Each veterinarian member must have actually and legally~~
6 ~~practiced veterinary medicine in either private practice or public service in this state for at least 5 years~~
7 ~~immediately before appointment.~~

8 ~~(4) Each member shall serve for a term of 5 years. The governor may, after notice and hearing,~~
9 ~~remove a member for misconduct, incapacity, or neglect of duty.~~

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

11 **2-15-1742. (Effective January 1, 2023) Board of veterinary medicine.** (1) ~~There~~ In accordance with
12 [section 1], there is a board of veterinary medicine.

13 (2) The board consists of ~~seven~~ five-seven members appointed by the governor with the consent
14 of the senate.;

15 (a) Five members must be ~~three~~ five veterinarians licensed under Title 37, chapter 18,;

16 (b) one member must be a veterinary technician licensed under Title 37, chapter 18,; and

17 (c) one public member must be a public member who is a consumer of veterinary services and is
18 not a licensee of the board or of any other board under the department of labor and industry.

19 ~~(3) (a) Each veterinarian board member must be a reputable licensed veterinarian who has~~
20 ~~graduated from a college that is authorized by law to confer degrees and that has educational standards equal~~
21 ~~to those approved by the American veterinary medical association. Each veterinarian board member must have~~
22 ~~actually and legally practiced veterinary medicine in either private practice or public service in this state for at~~
23 ~~least 5 years immediately before appointment.~~

24 ~~(b) The individual initially appointed as the licensed veterinary technician board member must have~~
25 ~~practiced in this state for at least 5 years prior to January 1, 2023, and shall obtain a license under Title 37,~~
26 ~~chapter 18, as a licensed veterinary technician by the time the individual becomes a board member. An~~
27 ~~individual appointed subsequent to the initial appointment must only meet the requirement that the individual be~~

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68th Legislature 2023

Drafter: Jameson Walker, 406-444-3722

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1 ~~a veterinary technician licensed under Title 37, chapter 18.~~

2 ~~(4) (a) Each member term is 5 years. A member may be reappointed.~~

3 ~~(b) The governor may, after notice and hearing, remove a member for misconduct, incapacity, or~~
4 ~~neglect of duty.~~

5 ~~(5)(3) The board is allocated to the department for administrative purposes only as provided in 2-15-~~
6 ~~121."~~

7

8 **Section 18.** Section 2-15-1743, MCA, is amended to read:

9 **"2-15-1743. Board of funeral service.** (1) ~~There~~ In accordance with [section 1], there is a board of
10 funeral service.

11 (2) The board consists of six members appointed by the governor with the consent of the senate.;

12 (a) ~~Three~~ three members must be licensed morticians.;

13 ~~One member must be a representative of the public who is not engaged in the practice of mortuary~~
14 ~~science or funeral directing.;~~

15 (b) ~~One member must be a licensed~~ one crematory operator or crematory technician or a mortician
16 ~~who is engaged in a crematory operation.;~~

17 (c) ~~One member must be a~~ one representative of a cemetery company governed by Title 37,
18 chapter 19, part 8; and

19 one public member.

20 ~~(3) Board members shall serve staggered 5-year terms.~~

21 ~~(4)(3) The board is allocated to the department for administrative purposes only as prescribed in 2-~~
22 ~~15-121."~~

23

24 **Section 19.** Section 2-15-1744, MCA, is amended to read:

25 **"2-15-1744. Board of behavioral health.** (1) ~~(a) The governor shall appoint, with the consent of the~~
26 ~~senate,~~ In accordance with [section 1], there is a board of behavioral health consisting of 11 members.

27 (2) The board consists of 11 members:

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

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

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

4

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

6 **"2-15-1761. Board of architects and landscape architects.** (1) ~~There~~ In accordance with [section
7 1], there is a board of architects and landscape architects.

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

10 (a) ~~two licensed~~ three architects who have been in continuous practice for 3 years before their
11 appointment, one of whom has teaching experience at one or more schools of architecture;

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

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

16 ~~(d)~~ (b) two licensed landscape architects; and

17 (c) one public member.

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

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

20 ~~(5)~~ (3) The board is allocated to the department for administrative purposes only as prescribed in 2-
21 15-121."

22

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

24 **"2-15-1763. Board of professional engineers and professional land surveyors.** (1) ~~There~~ In
25 accordance with [section 1], there is a board of professional engineers and professional land surveyors.

26 (2) The board consists of nine members appointed by the governor with the consent of the senate.

27 The members are:

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1 (a) five professional engineers ~~who have been engaged in the practice of engineering for at least~~
2 ~~12 years and who have been in responsible charge of engineering teaching or important engineering work for at~~
3 ~~least 5 years and licensed in Montana for at least 5 years~~ work or have teaching experience at one or more
4 schools of engineering. No more than two of these members may be from the same branch of engineering.

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

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

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

12 ~~(4) (a) Except as provided in subsection (4)(b), each member shall serve for a term of 4 years.~~

13 ~~(b) The governor may remove a member for misconduct, incompetency, or neglect of duty or for any~~
14 ~~other sufficient cause and may shorten the term of one public member so that it is not coincident with the term~~
15 ~~of the other public member.~~

16 ~~(5)(4) The board is allocated to the department for administrative purposes only, as prescribed in 2-~~
17 ~~15-121."~~

18
19 **Section 31.** Section 2-15-1764, MCA, is amended to read:

20 **"2-15-1764. State electrical board.** (1) ~~In accordance with [section 1], there is a state electrical~~
21 ~~board.~~

22 (2) The board consists of five members ~~appointed by the governor with the consent of the senate,~~
23 ~~who must be residents of this state.;~~

24 ~~Two members of the board shall represent the public.~~

25 (a) ~~Two members of the board must be licensed electricians. One member must be a one master~~
26 ~~licensed electrician;~~

27 (b) ~~or a licensed electrician one journeyman electrician;~~

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1 (c) one electrician who ~~holds~~ is the responsible electrician for an unlimited electrical contractor
2 license; and

3 (d) two public members.

4 ~~(3) The members of the board shall serve for a term of 5 years with their terms of office arranged so~~
5 ~~that one term expires on July 1 of each year.~~

6 ~~(4)(3) The board is allocated to the department for administrative purposes only as prescribed in 2-~~
7 ~~15-121."~~

8

9 **Section 32.** Section 2-15-1765, MCA, is amended to read:

10 **"2-15-1765. Board of plumbers.** (1) ~~There~~ In accordance with [section 1], there is a board of
11 plumbers.

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

14 (a) two master plumbers and ;

15 (b) two journeyman-journey level plumbers who are ~~18~~ years of age or older, who have been
16 residents of this state for more than 1 year, and who have been duly licensed master or journeyman plumbers
17 at least 5 out of the last 8 years immediately preceding their appointment;

18 ~~(b)(c)~~ one registered professional engineer qualified in mechanical engineering;

19 ~~(c)~~ three representatives of the public who are not engaged in the business of installing or selling
20 plumbing equipment; and

21 (d) one representative of the department of environmental quality, who must have experience in
22 the regulation of drinking water systems; and

23 (e) one public member.

24 ~~(3) The appointed members of the board shall serve for terms of 4 years.~~

25 ~~(4)(3) The board is allocated to the department for administrative purposes only as prescribed in 2-~~
26 ~~15-121."~~

27

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1 ~~term.~~

2 ~~(9) The governor may remove a member from the board for neglect of duty, for incompetency, or for~~
3 ~~cause."~~

4

5 **Section 34.** Section 2-15-1773, MCA, is amended to read:

6 **"2-15-1773. Board of outfitters.** (1) ~~There~~ In accordance with [section 1], there is a board of
7 outfitters.

8 (2) The board consists of the following five members ~~to be appointed by the governor with the~~
9 ~~consent of the senate:~~

10 (a) one ~~outfitter licensed for both~~ outfitter licensed for both hunting and fishing ~~outfitter,~~
11 representing a public land hunting and fishing outfitter knowledgeable in government permitting ~~and preferably~~
12 ~~with a packing endorsement~~ and preferably with a packing endorsement;

13 (b) one ~~outfitter licensed only as a fishing~~ outfitter;

14 (c) one outfitter representing a private land hunting outfit;

15 (d) one ~~outfitter licensed for both hunting and fishing~~ outfitter, with their business being
16 predominately fishing; and

17 ~~(e) one public member of the general public who is a Montana-based business owner who~~
18 ~~engages in nonoutfitted business that is reliant on the local outdoor recreation industry~~

19 (e) one public member who is a Montana-based business owner who engages in nonoutfitted
20 business that is reliant on the local outdoor recreation industry.

21 ~~(3) A favorable vote of at least a majority of all members of the board is required to adopt any~~
22 ~~resolution, motion, or other decision.~~

23 ~~(4) A vacancy on the board must be filled in the same manner as the original appointment.~~

24 ~~(5) The members shall serve staggered 3-year terms and take office on the day they are appointed.~~

25 ~~(6)(3)~~ The board is allocated to the department of labor and industry for administrative purposes only
26 as prescribed in 2-15-121.

27 ~~(7) Each member of the board is entitled to receive compensation and travel expenses as provided~~

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1 for in 37-1-133."

2

3 **Section 35.** Section 2-15-1781, MCA, is amended to read:

4 **"2-15-1781. Board of private security.** (1) ~~There~~ In accordance with [section 1], there is a board of
5 private security.

6 (2) The board consists of seven voting members appointed by the governor with the consent of the
7 senate. ~~The members shall represent:~~

8 (a) one contract security company or proprietary security organization, as defined by 37-60-101;

9 (b) one electronic security company, as defined by 37-60-101;

10 (c) one city police department chief;

11 (d) one county sheriff's office sheriff;

12 (e) ~~one~~ one member of the public;

13 (f)(e) one member of the Montana public safety officer standards and training council; and

14 (g)(f) a licensed one private investigator or a registered process server; and

15 (g) one public member.

16 (3) ~~Members of the board must be at least 25 years of age and have been residents of this state for~~
17 ~~more than 5 years.~~

18 (4) ~~The appointed members of the board shall serve for terms of 3 years. The terms of board~~
19 ~~members must be staggered.~~

20 (5) ~~The governor may remove a member for misconduct, incompetency, neglect of duty, or~~
21 ~~unprofessional or dishonorable conduct.~~

22 (6) ~~A vacancy on the board must be filled in the same manner as the original appointment and may~~
23 ~~be only for the unexpired portion of the term.~~

24 (7)(3) The board is allocated to the department for administrative purposes only as prescribed in 2-
25 15-121."

26

27 **Section 36.** Section 2-15-1782, MCA, is amended to read:

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1 **"2-15-1782. Board of massage therapy.** (1) ~~There in accordance with [section 1] there is~~ a board of
2 massage therapy.

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

5 (a) ~~one representative of the public who is not a medical practitioner or an owner of a school that~~
6 ~~educates massage therapists and is not engaged in or directly connected with the practice of massage therapy;~~

7 ~~(b)(a) one member who is a licensed health care provider in good standing in Montana and who is~~
8 ~~not an owner of a school that educates massage therapists; and~~

9 ~~(c)(b) three massage therapists, none of whom may be an owner of a school that educates massage~~
10 ~~therapists, who have been actively engaged in the practice of massage therapy for at least 3 years prior to~~
11 ~~being appointed to the board. None of the three massage therapists may belong to the same national~~
12 ~~professional association. After the initial appointments are made to establish the board, each of the three~~
13 ~~members must be licensed as a massage therapist under Title 37, chapter 33 who have been actively engaged~~
14 ~~in the practice of massage therapy for at least 3 years prior to being appointed to the board. None of the three~~
15 ~~massage therapists may belong to the same national professional association.; and~~

16 ~~(c) one public member who is not a medical practitioner.~~

17 ~~(3) Members shall serve 4 year, staggered terms. The governor may remove a member from the~~
18 ~~board for neglect of duty required by law, for incompetence, or for unprofessional or dishonorable conduct.~~

19 ~~(4) The governor shall make the initial appointments to the board as follows:~~

20 ~~(a) one person who is a massage therapist to serve a 2-year term;~~

21 ~~(b) one person who is a massage therapist to serve a 3-year term; and~~

22 ~~(c) one person who is a massage therapist to serve a 4-year term.~~

23 ~~(5) At the expiration of terms provided in subsection (4), the governor shall appoint the person~~
24 ~~designated to fill each position to a 4-year term.~~

25 ~~(6)(3) The board is allocated to the department for administrative purposes only as prescribed in 2-~~
26 ~~15-121."~~

27

1 **Section 37.** Section 37-1-133, MCA, is amended to read:

2 **"37-1-133. Board members' compensation and expenses.** Unless otherwise provided by law, each
3 member of a board allocated to the department is entitled to receive ~~\$50~~ \$100 per day compensation and travel
4 expenses, as provided for in 2-18-501 through 2-18-503, for each day spent on official board business. Board
5 members who conduct official board business in their city of residence are entitled to receive a midday meal
6 allowance, as provided for in 2-18-502. Ex officio board members may not receive compensation but ~~shall~~ must
7 receive travel expenses."

8
9 NEW SECTION. Section 38. Repealer. The following section of the Montana Code Annotated is
10 repealed:

11 2-8-403. Intent to combine profession or occupation with existing board.

12
13 NEW SECTION. Section 39. Codification instruction. [Sections 1 and 2] are intended to be codified
14 as an integral part of Title 37, chapter 1, and the provisions of Title 37, chapter 1, apply to [sections 1 and 2].

15
16 NEW SECTION. Section 40. Saving clause. (1) To the extent that [section 1] applies to board
17 member term length and the number of terms for which a board member may be appointed, [section 1] solely
18 applies to appointments made on or after [the effective date of this act].

19 (2) Nothing in [sections 7, 8, 9, 13, 17, 26, 27, 28, 29, and 32] reduces the term, authority, or
20 obligations of a board member who was appointed before [the effective date of this act]. Elimination of a board
21 position occurs at the earlier of:

22 (a) the resignation of the first board member who meets the qualifications of the eliminated
23 position; or

24 (b) the ending of the appointed term of the first board member who meets the qualifications of the
25 eliminated position.

26 (3) Staggering of board member terms must be effectuated during the appointment process by the
27 governor designating the term start and end dates. The governor shall, as closely as possible, designate term