

**Amendment - 1st Reading/2nd House-blue - Requested by: Mark Noland - (S) Business, Labor, and Economic Affairs**

- 2023

68th Legislature 2023

Drafter: Erin Sullivan, 406-444-3594

HB0087.002.001

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) (A) ~~The governor shall have~~ HAS the authority to remove members of the board ~~with or without~~  
23 ~~cause~~ WITH REASONABLE CAUSE, INCLUDING BUT NOT LIMITED TO DOCUMENTED MISCONDUCT, INCOMPETENCE, OR  
24 NEGLECT OF DUTY. ~~A board member who misses three meetings over a period of 1 year without good cause~~  
25 ~~must be removed from the board automatically.~~

26 (B) A PERSON REMOVED FROM A BOARD BY THE GOVERNOR MAY REQUEST RECONSIDERATION OF THE  
27 REMOVAL. THE REQUEST FOR RECONSIDERATION MUST BE SUBMITTED TO THE GOVERNOR WITHIN 14 DAYS OF THE

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

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

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

8 ~~(6)(3) The board is allocated to the department for administrative purposes only as prescribed in 2-~~  
9 ~~15-121."~~

10

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

12 **"2-15-1732. Board of dentistry.** (1) ~~There~~ In accordance with [section 1], there is a board of  
13 dentistry.

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

20 (a) ~~four~~ **four-five** dentists;

21 (b) ~~one~~ denturist;

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

23 (d) ~~one~~ public member.

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

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

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

4 **"2-15-1733. Board of pharmacy.** (1) There ~~In accordance with [section 1], there is~~ a board of  
5 pharmacy.

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

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

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

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

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

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

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

26 (3) ~~Members shall serve staggered 5-year terms. A member may not serve more than two~~  
27 ~~consecutive full terms. For the purposes of this section, an appointment to fill an unexpired term does not~~