

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

- 2023

68th Legislature 2023

Drafter: Erin Sullivan, 406-444-3594

HB0087.002.004

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

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

- 2023

68th Legislature 2023

Drafter: Erin Sullivan, 406-444-3594

HB0087.002.004

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-ten members:~~

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

21 (b) one denturist;

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

23 (d) one public member, ~~who may not work or have worked in the field of dentistry, or have a family~~
24 ~~member who works or has worked in the field of dentistry.~~

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

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

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

- 2023

68th Legislature 2023

Drafter: Erin Sullivan, 406-444-3594

HB0087.002.004

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