

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 this section, "good standing" means an active license unencumbered by a final order of disciplinary action or
2 administrative suspension.

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

5 (b) A public member may not be:

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

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

8 (iii) a person who currently or within the 3 years prior to appointment had any material financial

9 interest in the provision of professional services or engaged in any activity related to the practice of the

10 profession regulated by the board on which the public member is appointed to serve, except as a consumer.

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

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

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

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

21 (8) Each member of the board shall annually attest to having completed coursework or training of a
22 duration and covering content provided by the department to address relevant regulatory issues, including role
23 of the board, role of the board member, conflict of interest, competition, administrative procedures,
24 enforcement, and immunity.

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

1 confirmed at the next regular legislative session.

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

5 (11) A member may serve two consecutive full terms and may not be reappointed within 4 years of
6 the completion of the member's second consecutive full term. For the purposes of this section, an appointment
7 to fill an unexpired term does not constitute a full term.

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

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

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

21 (4) Members of the board are entitled to compensation and travel expenses as provided in 37-1-
22 133.

23
24 **Section 3.** Section 2-8-401, MCA, is amended to read:

25 **"2-8-401. Purpose.** It is the intent of the legislature to:

26 (1) exercise the police power of the state through the establishment of licensing boards and
27 licensing programs only when regulation of a profession or occupation benefits the public health, safety,
28 welfare, or common good of the state's residents and that benefit outweighs the potential increased cost to the

1 public and limitation on competition;

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

3 (3) provide the public with a means to determine whether practitioners have met competency

4 standards and to complain if the competency is suspect."

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

7 **"2-8-402. Intent to create new board.** (1) A bill draft request to create a department of labor and
8 industry licensing board or licensing program must include a letter of intent not exceeding 1,000 words report
9 that addresses the criteria in subsections (2) and (3):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (l) whether the profession or occupation could be regulated by an existing licensing board or
10 licensing program.

11 ~~(3)(2)~~ In order to help in the determination of licensing To estimate initial costs, the letter of intent
12 report must contain a good faith effort to provide answers to the following questions address:

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

15 (b) what is if a licensing board is proposed, the proposed makeup of the licensing board
16 membership; and

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

19 ~~(4)~~ After receiving a copy of the responses to subsections (2), (3)(a), and (3)(b), the department of
20 labor and industry shall assist those developing the letter of intent under 2-8-403 or this section with the
21 responses to subsection (3)(c) of this section.

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

23 (3) For the purposes of membership of a board, the inclusion of an additional license type to be
24 regulated to an existing board may not result in adding that license type as a member of the board if the scope
25 of practice of the newly regulated license type is within the scope of an existing professional board member
26 position on the board."

27

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

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

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

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

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

9 ~~(e)~~(b) one member who is a Montana physician whose practice includes obstetrics; and

10 (c) one public member.

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

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

15 ~~(5)~~(3) The board is allocated to the department for administrative purposes only, as prescribed in 2-
16 15-121."

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

19 **"2-15-1731. Board of medical examiners.** (1) There ~~In~~ accordance with [section 1], there is a
20 Montana state board of medical examiners.

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

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

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

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

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

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

- 1 (e) ~~one member who is a licensed physician assistant;~~
- 2 (f) ~~one member who is a licensed acupuncturist;~~
- 3 (g) ~~one member who is a volunteer emergency care provider, as defined in 50-6-202, who may be~~
- 4 ~~a volunteer emergency care provider; and~~

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

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

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

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

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

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

17 (3) (a) The members having the degree of doctor of medicine may not be from the same county.

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

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

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

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

27 ~~(6)(3)(5)~~ The board is allocated to the department for administrative purposes only for
 28 administrative purposes only as prescribed in 2-15-121."

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

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

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

- (a) four dentists;
- (b) one denturist;
- (c) two dental hygienists; and
- (d) one public member.

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

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

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

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

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

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

(a) ~~Each licensed pharmacist member must have graduated and received the first professional undergraduate degree from the school of pharmacy of the university of Montana-Missoula or from an accredited~~

1 ~~pharmacy degree program that has been approved by the board. Each licensed pharmacist member must have~~
2 ~~at least 5 consecutive years of practical experience as a pharmacist immediately before appointment to the~~
3 ~~board. A licensed pharmacist member who, during the member's term of office, ceases to be actively engaged~~
4 ~~in the practice of pharmacy in this state must be automatically disqualified from membership on the board. three~~
5 ~~pharmacists;~~

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

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

12 (i) ~~a member of the profession of pharmacy or the spouse of a member of the profession of~~
13 ~~pharmacy;~~

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

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

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

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

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

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

24 (5)(3) ~~The board is allocated to the department for administrative purposes only as prescribed in 2-~~
25 ~~15-121."~~

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

28 **"2-15-1734. Board of nursing.** (1) ~~There~~ In accordance with [section 1], there is a board of nursing.

1 (2) The board consists of ~~nine~~ seven members appointed by the governor with the consent of the

2 ~~senate~~. The members are:

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

4 (i) ~~at least one must have had at least 5 years with experience in administrative administration,~~

5 ~~teaching, or supervisory experience~~ supervision in one or more schools of nursing;~~;~~

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

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

8 (iv) ~~at least one must be currently engaged in the administration, supervision, or provision of direct~~

9 ~~client care. Each member who is a registered professional nurse must:~~

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

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

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

13 (iv) ~~be currently engaged in the practice of professional nursing and have practiced for at least 5~~

14 ~~years;~~

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

16 (i) ~~be a graduate of a school of practical nursing;~~

17 (ii) ~~be a licensed practical nurse in this state;~~

18 (iii) ~~have had at least 5 years' experience as a practical nurse; and~~

19 (iv) ~~be currently engaged in the practice of practical nursing and have practiced for at least 5 years.~~

20 (c) two public members who are not medical practitioners, involved in the practice of nursing or

21 ~~employment of nursing, or administrators of Montana health care facilities~~ one public member.

22 (3) ~~All members must have been residents of this state for at least 1 year before appointment and~~

23 ~~must be citizens of the United States.~~

24 (4) ~~All members shall serve staggered 4 year terms, and a member may not be appointed for more~~

25 ~~than two consecutive terms. The governor may remove a member from the board for neglect of a duty required~~

26 ~~by law or for incompetency or unprofessional or dishonorable conduct.~~

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

28 15-121."

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

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

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

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

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

~~(c) one public member.~~

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

~~(4) Each appointed member shall serve for a term of 5 years. Any vacancy occurring in the position of an appointive member must be filled by the governor for the unexpired term.~~

~~(5) Appointive members may be removed by the governor only for cause.~~

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

Section 11. Section 2-15-1736, MCA, is amended to read:

"2-15-1736. Board of optometry. (1) ~~There~~ In accordance with [section 1], there is a board of optometry.

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

~~(a) Four members must be registered four optometrists of this state and actually engaged in the exclusive practice of optometry in this state during their terms of office.;~~ and

~~(b) One one public member must be a representative of the public who is not engaged in the practice of optometry.~~

1 ~~(3) Members shall serve staggered 4-year terms.~~

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

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5 **Section 12.** Section 2-15-1737, MCA, is amended to read:

6 **"2-15-1737. Board of chiropractors.** (1) ~~There~~ In accordance with [section 1], there is a board of
7 chiropractors.

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

9 (a) ~~Four members must be practicing four~~ four chiropractors of integrity and ability who are residents of
10 this state and who have practiced chiropractic continuously in this state for at least 1 year.;

11 (b) ~~One one public member must be a representative of the public who is not engaged in the~~
12 ~~practice of chiropractic.~~

13 ~~(3) Each member shall serve for a term of 3 years. No member may be appointed for more than two~~
14 ~~consecutive terms. A member may be removed from office by the governor on sufficient proof of the member's~~
15 ~~inability or misconduct.~~

16 ~~(4)(3) The board is allocated to the department for administrative purposes only as prescribed in 2-~~
17 ~~15-121."~~

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19 **Section 13.** Section 2-15-1738, MCA, is amended to read:

20 **"2-15-1738. Board of radiologic technologists.** (1) ~~There~~ In accordance with [section 1], there is a
21 board of radiologic technologists.

22 (2) The board consists of ~~seven~~ five members appointed by the governor with the consent of the
23 ~~senate, including:~~

24 (a) ~~a one~~ one radiologist licensed to practice medicine in Montana;

25 (b) a person granted a permit issued by the board pursuant to 37-14-306 one limited permit
26 technician;

27 (c) ~~a public member; and~~

28 (d)(c) four licensed two radiologic technologists registered with the American registry of radiologic

1 technologists (ARRT), including one radiologist assistant or radiology practitioner assistant licensed under 37-
2 14-313; and

3 (d) one public member.

4 ~~(3) Vacancies in unexpired terms must be filled for the remainder of the term.~~

5 ~~(4) Each member shall serve 3-year terms.~~

6 ~~(5)(3) The board is allocated to the department for administrative purposes only as prescribed in 2-~~
7 15-121."

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9 **Section 14.** Section 2-15-1739, MCA, is amended to read:

10 **"2-15-1739. Board of speech-language pathologists and audiologists.** (1) ~~There~~ In accordance
11 with [section 1], there is a board of speech-language pathologists and audiologists.

12 (2) The board consists of five members ~~who shall:~~

13 (a) be appointed by the governor with the consent of the senate two speech-language
14 pathologists;

15 (b) ~~have been residents of this state for at least 1 year immediately preceding their appointment~~
16 two audiologists; and

17 (c) ~~have been engaged in rendering services to the public, teaching, or performing research in the~~
18 ~~field of speech-language pathology or audiology for at least 5 years immediately preceding their appointment~~
19 one public member.

20 ~~(3) At least two members of the board shall be speech-language pathologists and at least two shall be~~
21 ~~audiologists, with the remaining member to be a public member who is a consumer of speech-language~~
22 ~~pathology or audiology services and who is not a licentiate of the board or of any other board within the~~
23 ~~department. All board members, except the public member, shall at all times be validly licensed in speech-~~
24 ~~language pathology or audiology.~~

25 ~~(4) Appointments shall be for 3-year terms with no person eligible to serve more than two full~~
26 ~~consecutive terms. Terms begin on the first day of the calendar year and end on the last day of the calendar~~
27 ~~year.~~

28 ~~(5)(3) The board is allocated to the department for administrative purposes only as prescribed in 2-~~

1 15-121."

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3 **Section 15.** Section 2-15-1740, MCA, is amended to read:

4 **"2-15-1740. Board of hearing aid dispensers.** (1) ~~There~~ In accordance with [section 1], there is a
5 board of hearing aid dispensers.

6 (2) The board consists of five members ~~appointed by the governor with the consent of the senate,~~
7 including:

8 (a) ~~three members, each of whom must possess a current hearing aid dispenser license issued~~
9 ~~under Title 37, chapter 16, and have been a licensed hearing aid dispenser for at least 5 years before being~~
10 ~~appointed to the board~~ hearing aid dispensers; and

11 (b) ~~two public members, at least one of whom may not be or have been an otolaryngologist, a~~
12 ~~licensed hearing aid dispenser, or a licensed audiologist, and at least one of whom must regularly use a~~
13 ~~hearing aid because of a demonstrated hearing impairment. One public member may meet both the conditions~~
14 ~~in this subsection (2)(b).~~

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

17 (4)(3) ~~The board is allocated to the department for administrative purposes only as prescribed in 2-~~
18 ~~15-121."~~

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

21 **"2-15-1741. Board of psychologists.** (1) ~~There~~ In accordance with [section 1], there is a board of
22 psychologists.

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

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

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

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

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

28 (e) ~~one public member must be from the general public. A member may not serve more than two~~

1 consecutive 5-year terms.

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

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

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

7 ~~" 2-15-1742. (Temporary) Board of veterinary medicine. (1) There is a board of veterinary~~
8 ~~medicine.~~

9 ~~(2) The board consists of six members appointed by the governor with the consent of the senate, five~~
10 ~~of whom must be licensed veterinarians and one of whom must be a public member who is a consumer of~~
11 ~~veterinary services and who may not be a licensee of the board or of any other board under the department of~~
12 ~~labor and industry.~~

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

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

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

21 **2-15-1742. (Effective January 1, 2023) Board of veterinary medicine.** (1) ~~There~~ In accordance with
22 [section 1], there is a board of veterinary medicine.

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

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

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

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

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

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

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

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

14 ~~(5)(3) The board is allocated to the department for administrative purposes only as provided in 2-15-~~
15 ~~121."~~

16

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

18 **"2-15-1743. Board of funeral service.** (1) ~~There~~In accordance with [section 1], there is a board of
19 funeral service.

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

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

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

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

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

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

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

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

4
5 **Section 19.** Section 2-15-1744, MCA, is amended to read:

6 **"2-15-1744. Board of behavioral health.** ~~(1) (a) The governor shall appoint, with the consent of the~~
7 ~~senate, In accordance with [section 1], there is a board of behavioral health consisting of 11 members.~~

8 ~~(2) The board consists of 11 members:~~

9 ~~(b)(a) Three members must be licensed three clinical social workers, and;~~

10 ~~(b) three must be licensed professional counselors.;~~

11 ~~(c) One member must be appointed from and represent the general public and may not be engaged in~~
12 ~~social work.;~~

13 ~~(d)(c) Two members must be licensed two addiction counselors.;~~

14 ~~(e)(d) One member must be a one certified behavioral peer support specialist.;~~

15 ~~(f)(e) One member must be a licensed one marriage and family therapist; and~~

16 ~~(f) one public member.~~

17 ~~(2)(3) The board is allocated to the department for administrative purposes only as provided in 2-15-~~
18 121.

19 ~~(3) Members shall serve staggered 4-year terms."~~

21 **Section 20.** Section 2-15-1747, MCA, is amended to read:

22 **"2-15-1747. Board of barbers and cosmetologists.** ~~(1) There~~ In accordance with [section 1], there
23 is a board of barbers and cosmetologists.

24 (2) The board consists of nine members ~~appointed by the governor with the consent of the senate~~
25 ~~and must include:~~

26 (a) ~~two licensed cosmetologists each of whom has been a resident of this state for at least 5 years~~
27 ~~and has been actively engaged in the profession of cosmetology for at least 5 years immediately prior to being~~
28 ~~appointed to the board;~~

1 (b) one licensed esthetician who has been a resident of this state for at least 5 years and has been
2 actively engaged in the profession of esthetics for at least 5 years immediately prior to being appointed to the
3 board;

4 (c) two licensed barbers or barbers nonchemical, each of whom has been a resident of this state
5 for at least 5 years and has been actively engaged in the profession of barbering for at least 5 years
6 immediately prior to appointment to the board;

7 (d) one licensed manicurist who has been a resident of this state for at least 5 years and has been
8 actively engaged in the profession of manicuring for at least 5 years immediately prior to being appointed to the
9 board;

10 (e) two members, either licensed or not licensed under Title 37, chapter 31, who are affiliated, as
11 defined in 37-31-101, with a school for at least 5 years immediately prior to being appointed to the board
12 regulated under Title 37, chapter 31; and

13 (f) one public member of the public who is not licensed under Title 37, chapter 31.

14 ~~(3) If there is not a licensed barber, barber nonchemical, esthetician, or manicurist who is qualified
15 and willing to serve on the board in one of the positions under subsections (2)(b), (2)(c), and (2)(d), the
16 governor may appoint a cosmetologist otherwise qualified under this section to fill the position.~~

17 ~~(4) Each member shall serve for a term of up to 5 years. The terms must be staggered.~~

18 ~~(5)(3) The board is allocated to the department for administrative purposes only as prescribed in 2-
19 15-121."~~

20

21 **Section 21.** Section 2-15-1748, MCA, is amended to read:

22 **"2-15-1748. Board of physical therapy examiners.** (1) There In accordance with [section 1], there is
23 a board of physical therapy examiners.

24 (2) The board consists of five members ~~appointed by the governor with the consent of the senate~~
25 ~~for terms of 3 years. The members are:~~

26 (a) four physical therapists ~~licensed under Title 37, chapter 11, who have been actively engaged in~~
27 ~~the practice of physical therapy for the 3 years preceding appointment to the board; and~~

28 (b) one public member of the general public who is not a physician or a physical therapist.

1 ~~(3) Each member must have been a resident of Montana for the 3 years preceding appointment to the~~
2 ~~board.~~

3 ~~(4) A vacancy on the board must be filled in the same manner as the original appointment. These~~
4 ~~appointments may be made only for the unexpired portions of the term.~~

5 ~~(5) A member may not be appointed for more than two consecutive terms.~~

6 ~~(6) The governor may remove any board member for negligence in performance of any duty required~~
7 ~~by law and for incompetence or unprofessional or dishonorable conduct.~~

8 ~~(7) A board member is not liable to civil action for any act performed in good faith in the execution of~~
9 ~~the duties required by Title 37, chapter 11.~~

10 ~~(8) The board shall provide for its organizational structure by rule, which must include a presiding~~
11 ~~officer, vice presiding officer, and secretary-treasurer.~~

12 ~~(9)(3) The board is allocated to the department for administrative purposes only as prescribed in 2-~~
13 ~~15-121."~~

14

15 **Section 22.** Section 2-15-1749, MCA, is amended to read:

16 **"2-15-1749. Board of occupational therapy practice.** ~~(1) There~~ In accordance with [section 1], there
17 ~~is a board of occupational therapy practice.~~

18 (2) The board consists of five members appointed by the governor. The members are:

19 (a) three occupational therapists licensed under Title 37, chapter 24, who are actively engaged in
20 the practice or teaching of occupational therapy; and

21 (b) two public members of the general public with an interest in the rights of the consumers of
22 health services.

23 ~~(3) The Montana occupational therapy association may submit names of nominees under subsection~~
24 ~~(2)(a) of this section to the governor as provided in 37-1-132.~~

25 ~~(4) Each appointment is subject to confirmation by the senate then meeting in regular session or next~~
26 ~~meeting in regular session following appointment.~~

27 ~~(5) Members shall serve staggered 4-year terms. A term begins on the first day of the calendar year~~
28 ~~and ends on the last day of the calendar year or when a successor is appointed. A member who has served~~

1 ~~two successive complete terms is not eligible for reappointment until after 1 year.~~

2 ~~(6) The governor may, after hearing, remove a member for neglect of duty or other just cause.~~

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

5

6 **Section 23.** Section 2-15-1750, MCA, is amended to read:

7 **"2-15-1750. Board of respiratory care practitioners.** (1) ~~There~~ In accordance with [section 1], there
8 ~~is a board of respiratory care practitioners. The board consists of five members appointed by the governor with~~
9 ~~the consent of the senate. Each member must be a citizen of the United States and a resident of this state. The~~
10 ~~governor may request advice from the Montana society for respiratory care in making appointments to the~~
11 ~~board.~~

12 (2) The board consists of five members:

13 (a) ~~subject to subsection (3), three respiratory care practitioners, each of whom has engaged in the~~
14 ~~practice of respiratory care for a period of at least 3 years immediately preceding appointment to the board;~~

15 (b) ~~one respiratory care practitioner who has engaged in the practice of respiratory care for at least~~
16 ~~3 years immediately prior to appointment and who specializes in pulmonary functions or sleep studies; and~~

17 (c) ~~one public member of the public who is not a member of a health care profession.~~

18 ~~(3) At least one of the members appointed under subsection (2)(a) must have passed the registry~~
19 ~~examination for respiratory therapists administered by the national board for respiratory care, and at least one~~
20 ~~of the members must have passed the entry level examination for certified respiratory therapists administered~~
21 ~~by the national board for respiratory care.~~

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

23 ~~(5)(3) The board is allocated to the department of labor and industry for administrative purposes only~~
24 ~~as provided in 2-15-121."~~

25

26 **Section 24.** Section 2-15-1751, MCA, is amended to read:

27 **"2-15-1751. Board of sanitarians.** (1) ~~There~~ In accordance with [section 1], there is a board of
28 sanitarians.

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

2 Each member must be a resident of this state, and:

3 (a) ~~three of the members must be registered sanitarians;~~ and

4 (b) ~~Two two public~~ members must be from the public but not sanitarians and shall represent the
5 interests of the public at large. ~~Each sanitarian member must have a minimum of 3 years of experience~~
6 ~~practicing as a sanitarian in the state of Montana.~~

7 (3) ~~Members shall serve staggered 3-year terms that expire on July 1 of a given year.~~

8 (4)(3) The board is allocated to the department for administrative purposes only as prescribed in 2-
9 15-121."

11 **Section 25.** Section 2-15-1753, MCA, is amended to read:

12 **"2-15-1753. Board of clinical laboratory science practitioners.** (1) ~~There~~ In accordance with
13 [section 1], there is a board of clinical laboratory science practitioners.

14 (2) The board is ~~composed~~ consists of five members who have been residents of this state for at
15 least 2 years prior to appointment;

16 (3) ~~Members are appointed by the governor, with consent of the senate. The members are:~~

17 (a) four clinical laboratory science practitioners who hold active licenses as clinical laboratory
18 science practitioners in Montana; and

19 (b) one public member who is not associated with or financially interested in the practice of clinical
20 laboratory science.

21 (4) ~~Members shall serve staggered 4-year terms. A member may not serve more than two~~
22 ~~consecutive terms.~~

23 (5) ~~Whenever a vacancy occurs on the board during a term of office, the governor shall appoint a~~
24 ~~successor with similar qualifications for the remainder of the unexpired term.~~

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

27 (7) ~~Members of the board are entitled to compensation and travel expenses as provided for in 2-18-~~
28 ~~501 through 2-18-503."~~

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Section 26. Section 2-15-1756, MCA, is amended to read:

"2-15-1756. Board of public accountants. (1) ~~There~~ In accordance with [section 1], there is a board

of public accountants.

(2) The board consists of ~~seven~~ five members appointed by the governor. The members are:

(a) ~~five~~ four certified public accountants licensed under Title 37, chapter 50, who are actively engaged in the practice of public accounting and who have held a valid license for at least 5 years before being appointed; and

(b) ~~two members of the general public who are not engaged in the practice of public accounting~~ one public member.

~~(3) Professional associations of public accountants may submit to the governor a list of names of two candidates for each position from which the appointment pursuant to subsection (2)(a) may be made. However, the governor is not restricted to the names on the list.~~

~~(4) Each appointment is subject to confirmation by the senate and must be submitted for consideration at the next regular session following appointment.~~

~~(5) The members shall serve staggered 4 year terms. The governor may remove a member for neglect of duty or other just cause.~~

~~(6)~~(3) The board is allocated to the department of labor and industry for administrative purposes only as prescribed in 2-15-121[, except that the provisions of 2-15-121(2)(b) do not apply]. (Bracketed language terminates September 30, 2023--sec. 5, Ch. 50, L. 2019.)"

Section 27. Section 2-15-1757, MCA, is amended to read:

"2-15-1757. Board of realty regulation. (1) ~~There~~ In accordance with [section 1], there is a board of

realty regulation.

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

(a) Five members must be licensed ~~four~~ real estate brokers, salespeople, or property managers who are actively engaged in the real estate business as a broker, a salesperson, or a property manager in this

1 state. Two members must be representatives of the public who are not state government officers or employees
2 and who are not engaged in business as a real estate broker, a salesperson, or a property manager. The
3 members must be residents of this state.; and

4 (b) one public member.

5 (3) ~~The members shall serve staggered terms of 4 years. A member may not serve more than two~~
6 ~~consecutive terms or any portion of two consecutive terms.~~

7 (4)(3) The board is allocated to the department for administrative purposes only as prescribed in 2-
8 15-121."

9

10 **Section 28.** Section 2-15-1758, MCA, is amended to read:

11 **"2-15-1758. Board of real estate appraisers.** (1) ~~There~~ In accordance with [section 1], there is a
12 board of real estate appraisers.

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

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

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

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

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

27 (6)(3) The board is allocated to the department for administrative purposes only, as prescribed in 2-
28 15-121.

- 1 ~~(7) A board member may be removed from the board by the governor for neglect or cause.~~
- 2 ~~(8) The board shall meet at least once each calendar quarter to transact its business.~~
- 3 ~~(9) The board shall elect a presiding officer from among its members.~~
- 4 ~~(10) A board member must receive compensation and travel expenses, as provided in 37-1-133."~~

5

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

7 **"2-15-1761. Board of architects and landscape architects.** (1) ~~There~~In accordance with [section
8 1], there is a board of architects and landscape architects.

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

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

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

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

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

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

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

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

21 ~~(5)~~(3) The board is allocated to the department for administrative purposes only as prescribed in 2-
22 15-121."

23

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

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

27 (2) The board consists of nine members appointed by the governor with the consent of the senate.
28 The members are:

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."~~

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

20 **"2-15-1764. State electrical board.** (1) ~~There~~ 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;

28 (c) one electrician who holds an unlimited electrical contractor license; and

1 (d) two public members.

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

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

6

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

8 **"2-15-1765. Board of plumbers.** ~~(1) There~~In accordance with [section 1], there is a board of
9 plumbers.

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

12 (a) two master plumbers and ;

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

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

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

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

21 **(e)** one public member.

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

23 ~~(4)(3) The board is allocated to the department for administrative purposes only as prescribed in 2-~~
24 ~~15-121."~~

25

26 **Section 33.** Section 2-15-1771, MCA, is amended to read:

27 **"2-15-1771. Board of athletic trainers.** ~~(1) There~~In accordance with [section 1], there is a board of
28 athletic trainers.

Amendment - 1st Reading-white - Requested by: Steve Gist - (H) Business and Labor

- 2023

68th Legislature 2023

Drafter: Jameson Walker, 406-444-3722

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1 (2) The board is ~~composed~~ consists of five members appointed by the governor as follows:

2 (a) one member who is a physician licensed under Title 37, chapter 3, preferably with a
3 background in the practice of sports medicine;

4 (b) three members who are athletic trainers who have been engaged in the practice of athletic
5 training in the state for at least 2 years prior to being appointed. After the initial appointments are made to
6 establish the board, each of the three members must be licensed as an athletic trainer under Title 37, chapter
7 36. Of these three members, at the time of appointment:

8 (i) one must be employed by or retired from employment with a athletic trainer with experience in
9 one or more postsecondary institution in Montana educational institutions;

10 (ii) one must be employed in or retired from a athletic trainer with experience in one or more
11 secondary school in Montana schools; and

12 (iii) one must be employed by or retired from a athletic trainer with experience in one or more
13 health care facility or an athletic facility in Montana facilities; and

14 (c) one public member of the public who is not engaged in or directly connected with the practice
15 of athletic training.

16 ~~(3) There may be no more than one retired athletic trainer serving on the board at anytime.~~

17 ~~(4) A vacancy on the board must be filled for an unexpired term to maintain the representation~~
18 ~~provided in subsection (2).~~

19 ~~(5)(3) The board is attached allocated to the department for administrative purposes only, as~~
20 ~~prescribed in 2-15-121, to the department of labor and industry.~~

21 ~~(6)(4) Members must be compensated as provided in 2-18-501 through 2-18-503.~~

22 ~~(7) Members shall serve 4 year, staggered terms. A member may be reappointed for one consecutive~~
23 ~~term. A member who is reappointed must be eligible under the same criteria as when first appointed.~~

24 ~~(8) For the purposes of this section, an appointment to fill an unexpired term does not constitute a full~~
25 ~~term.~~

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

28

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

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

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

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

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

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

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

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

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

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

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

18 ~~(6)~~(3) The board is allocated to the department of labor and industry for administrative purposes only
19 as prescribed in 2-15-121.

20 ~~(7) Each member of the board is entitled to receive compensation and travel expenses as provided~~
21 ~~for in 37-1-133."~~

22

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

24 "**2-15-1781. Board of private security.** (1) ~~There~~ In accordance with [section 1], there is a board of
25 private security.

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

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

- 1 (b) one electronic security company, ~~as defined by 37-60-101;~~
- 2 (c) one city police ~~department~~ chief;
- 3 (d) one county ~~sheriff's office~~ sheriff;
- 4 (e) ~~one member of the public;~~
- 5 (f)(e) one member of the Montana public safety officer standards and training council; ~~and~~
- 6 (g)(f) a licensed one private investigator ~~or a registered process server;~~ and
- 7 (g) one public member.

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

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

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

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

16 ~~(7)(3) The board is allocated to the department for administrative purposes only as prescribed in 2-~~
 17 ~~15-121."~~

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

20 **"2-15-1782. Board of massage therapy.** (1) ~~There~~ In accordance with [section 1] there is a board of
 21 massage therapy.

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

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

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

28 (e)(b) three massage therapists, none of whom may be an owner of a school that educates massage

1 therapists, who have been actively engaged in the practice of massage therapy for at least 3 years prior to
2 being appointed to the board. None of the three massage therapists may belong to the same national
3 professional association. After the initial appointments are made to establish the board, each of the three
4 members must be licensed as a massage therapist under Title 37, chapter 33; and

5 (c) one public member.

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

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

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

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

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

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

14 ~~(6)(3) The board is allocated to the department for administrative purposes only as prescribed in 2-~~
15 ~~15-121."~~

17 NEW SECTION. Section 37. Repealer. The following section of the Montana Code Annotated is
18 repealed:

19 2-8-403. Intent to combine profession or occupation with existing board.

21 NEW SECTION. Section 38. Codification instruction. [Sections 1 and 2] are intended to be codified
22 as an integral part of Title 37, chapter 1, and the provisions of Title 37, chapter 1, apply to [sections 1 and 2].

24 NEW SECTION. Section 39. Saving clause. (1) To the extent that [section 1] applies to board
25 member term length and the number of terms for which a board member may be appointed, [section 1] solely
26 applies to appointments made on or after [the effective date of this act].

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

1 position occurs at the earlier of:

2 (a) the resignation of the first board member who meets the qualifications of the eliminated

3 position; or

4 (b) the ending of the appointed term of the first board member who meets the qualifications of the

5 eliminated position.

6 (3) Staggering of board member terms must be effectuated during the appointment process by the

7 governor designating the term start and end dates. The governor shall, as closely as possible, designate term

8 start and end dates to appoint one-quarter of each board each calendar year.

9

10 NEW SECTION. Section 40. Saving clause. [This act] does not affect rights and duties that
11 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

12

13 NEW SECTION. Section 41. Effective date. [This act] is effective July 1, 2023.

14

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