

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 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.

8

9 **NEW SECTION. Section 2. Board organization -- meetings -- compensation -- department**
10 **allocation.** (1) The board shall annually elect a presiding officer and a vice presiding officer to serve in the
11 absence of the presiding officer. The presiding officer shall preside at all meetings of the board and perform
12 duties customarily associated with the position. The presiding officer may establish board committees to further
13 board business and designate 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 **(5) A board designated under 2-15-1730 through 2-15-1782 is allocated to the department for**
24 **administrative purposes only, as prescribed in 2-15-121.**

25

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

27 **"2-8-401. Purpose.** It is the intent of the legislature to:

28 (1) exercise the police power of the state through the establishment of licensing boards and