SENATE BILL NO. 312

INTRODUCED BY HIMSL, S. BROWN

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

IN THE SENATE

January 28, 1981	Introduced and referred to Committee on Judiciary.
February 11, 1981	Committee recommend bill do pass. Report adopted.
February 12, 1981	Bill printed and placed on members' desks.
Pebruary 13, 1981	Second reading, do pass.
February 14, 1981	Correctly engrossed.
February 16, 1981	Third reading, passed. Ayes, 44; Noes, 3. Transmitted to House.

IN THE HOUSE

February 17, 1981

March 11, 1981

March 14, 1981

March 21, 1981

March 24, 1981

Introduced and referred to Committee on State Administration.

Committee recommend bill be concurred in. Report adopted.

Motion pass consideration.

Second reading, concurred in.

Third reading, concurred in. Ayes, 98; Nocs, 0.

IN THE SENATE

March 25, 1981

Returned from House. Concurred in. Sent to enrolling.

Reported correctly enrolled.

make BILL NO. 3/2 1 2 INTRODUCED BY BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE 3

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO DELETE THE 6 REQUIREMENT THAT APPOINTMENTS BY THE GOVERNOR OF MEMBERS TO 7 THE BOARDS OF DENTISTRY. PODIATRY EXAMINERS. PHARMACISTS. 8 NURSING HOME ADMINISTRATORS. SPEECH PATHOLOGISTS AND 9 AUDIOLOGISTS. HEARING AID DISPENSERS. VETERINARIANS. AND 10 PHYSICAL THERAPISTS BE MADE FROM LISTS SUBMITTED BY PRIVATE 11 ASSOCIATIONS: PROVIDING THAT THE GOVERNOR MAY CONSIDER 12 NOMINEES BY LICENSEES, PRIVATE ASSOCIATIONS, AND MEMBERS OF 13 THE PUBLIC WHEN MAKING APPOINTMENTS TO LICENSING AND 14 REGULATORY BOARDS; AMENDING SECTIONS 2-15-1606, 2-15-1608, 15 2-15-1609, 2-15-1611, 2-15-1615, 2-15-1616, 2-15-1618, AND 16 2-15-1628, MCA."

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4

18 NHEREAS, during the course of the Legislative Audit 19 Committee's review of regulatory and licensing boards under 20 the first two sunset cycles it was noted that appointments 21 by the Governor to some boards must be made from lists 22 submitted by private associations; and

23 WHEREAS, requirements tying board membership to private
24 associations have been struck down by the courts in a number
25 of states; and

WHEREAS, the opportunity for members of the public and
 private associations to submit nominees to the Governor for
 board appointments is in the public interest.

4 THEREFORE, it is the Intent of this bill to delete 5 requirements that appointments by the Governor to regulatory 6 and licensing boards must be made from lists submitted by 7 private associations and to provide that members of the 8 public and private associations may submit nominees to the 9 Governor for appointment to regulatory and licensing boards. 10

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-15-1606, MCA, is amended to read:
 M2-15-1606. Board of dentistry. (1) There is a board
 of dentistry.

(2) The board consists of five dentists and one dental 15 16 hygienist, all appointed by the governor. The-Montana-dental 17 association-and-the-Nontang-dental--hygienists---association 18 shall-each-present-to-the-governory-within-15-days-after-its 19 regular--annual--meeting--a--list--of--not--less--than-five 20 candidates-from-which-appointments--for--vacancies--an--the 21 board--occurring-during-the-ensuing-year-may-be-mades-At-ail 22 times-st-lesst-three-members-of-the-board-shell-be-appointed 23 from-the-list-of-condidates-submitted-by-the-Montane--dentel 24 association--and-one-member-shall-be-appointed-from-the-list 25 submitted-by-the--Montana--dentol--hydienists*--associations

> -2- INTRODUCED BILL 583/2

1 Each member shall be licensed to practice a dental 2 profession in this state, shall have actively practiced in this state for at least 5 continuous years immediately 3 4 before his appointment, and shall be actively engaged in 5 practice while serving on the board. Each member shall be a citizen of the United States and a resident of this state. 6 7 (3) Each member shall serve for a term of 5 years. The governor may remove a member only for neglect or cause. 8

9 (4) The governor shall fill any vacancy within 3010 days.

11 (5) The board is allocated to the department for
12 administrative purposes only as prescribed in 2-15-121."
13 Section 2. Section 2-15-1608, MCA, is amended to read:
14 "2-15-1608. Board of podiatry examiners. (1) There is
15 a board of podiatry examiners.

16 (2) The board consists of three members, all of whom 17 are licensed podjatrists appointed by the governor to 3-year 18 termsy--selected-from-a-list-of-six-podiotrists-submitted-by the-Montana-association-of-podiatrists. The Rembers shall be 19 20 residents of this state who have encaged in the active 21 practice of podiatry in this state for at least 2 years and 22 are of high integrity and ability. The-governor-shall-fill-a 23 vacancy-on-the-board-from-the-same-list-of-podiatrists* 24 (3) The board is allocated to the department for

25

Section 3. Section 2-15-1609, MCA, is amended to read:
 "2-15-1609. Board of pharmacists. (1) There is a board
 of pharmacists.

(2) The board consists of three members appointed by 4 5 the governor. The governor-shall-oppoint-the-members-from-a 6 list-subwitted-annually-by-the-Montana-state--pharmaceutical 7 associationv--The--list--shall--contain--the--names--of-five qualified-persons-for-each-appointments Each member shall be 8 a graduate of the college of pharmacy of the university of 9 Montana or of a college or school of pharmacy recognized and 10 approved by or a member of the American association of 11 colleges of pharmacy. Each member shall have at least 5 12 13 consecutive years of practical experience as a pharmacist immediately before his appointment. However, one member may 14 be a registered pharmacist of 15 years' practical experience 15 and actually engaged in the practice of pharmacy. A member 16 who, during his term of office, ceases to be actively 17 engaged in the practice of pharmacy in this state, shall be 18 automatically disgualified from membership on the board. 19 (3) Each member shall serve for a term of 3 years. A 20

21 member shall be removed from office by the governor on proof 22 of malfeasance or misfeasance in office, after reasonable 23 notice of charges against him and after a hearing.

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

administrative purposes only as prescribed in 2-15-121.*

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Section 4. Section 2-15-1611, NCA, is amended to read:
 "2-15-1611. Board of nursing home administrators. (1)
 There is a board of nursing home administrators.

(2) The board consists of five voting members 4 5 appointed by the governor. No more than two members shall be 6 nursing home administrators. One member shall represent the 7 public at large and must be 55 years of age or older at the time of appointment. The other two members shall be 8 representatives of professions or institutions concerned 9 with the care of chronically ill and infirm aged patients 10 and may not be from the same profession or have a financial 11 12 interest in a nursing home.

13 (3) The director of the department of health and
14 environmental sciences or his designee and the director of
15 the department of social and rehabilitation services or his
16 designee are ex officio, nonvoting members of the board.

17 (4)--The-appointee-representing--the--public--at--large
shall--be-selected-by-the-governors-The-remaining-appointees
shall-be-selected-from-a-list-of--three--nominces--submitted
far--each-appointee-by-the-board-of-directors-of-the-Montana
nursing-home-associationy-incs

22 (5714) Each appointed member shall serve for a term of 23 5 years. Any vacancy occurring in the position of an 24 appointive member shall be filled by the governor for the 25 unexpired term in-the-same-menner-provided-for-in-subsection 1 (4)-

2 <u>(6)(5)</u> Appointive members may be removed by the 3 governor only for cause.

4 (7)(6) The board is allocated to the department for 5 administrative purposes only as prescribed in 2-15-121-

Section 5. Section 2-15-1615, MCA, is amended to read:
"2-15-1615. Board of speech pathologists and
audiologists. (1) There is a board of speech pathologists
and audiologists.

10 (2) The board consists of five membersy-four-of--whom
11 who shall:

12 (a) be appointed by the governor from-names-submitted
 13 to-him-by-the-Montana-speech-ond-hearing-association:

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

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

20 (3) At least two members of the board shall be speech 21 pathologists and at least two shall be audiologists, with 22 the remaining member to be a public member who is a consumer 23 of speech pathology or audiology services and who is not a 24 licentiate of the board or of any other board within the 25 department. All board members, except the public member,

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1	shall at all times be validly licensed in speech pathology
2	or audiology.
3	t4}Not-less-than-60daysbeforetheenaafeach
4	catendaryearytheassociationshallrecommend-at-least
5	three-and-notmorethanfivepersonsforeachvocancy
6	occurringat-the-end-of-the-calendar-yearsIn-the-event-of
7	a-vacancy-foranunexpiredtermytheassociationshall
8	expeditiously-recommend-at-least-two-and-not-more-than-three
9	personstofill-the-vocancy-ond-the-gavernor-sholl-appoint
10	one-of-those-persons-to-fill-the-unexpired-terms
11	(5)[5] Appointments shall be for 3-year terms with no
12	person eligible to serve more than two full consecutive
13	terms. Terms begin on the first day of the calendar year
14	and end on the last day of the calendar year.
15	(6)[5] The board is allocated to the department for
16	administrative purposes only as prescribed in 2-15-121.*
17	Section 6. Section 2-15-1616, MCA, is amended to read:
18	#2-15-1616. Board of hearing aid dispensers. (1) There
19	is a board of hearing aid dispensers.
20	(2) The board consists of five members appointed by
21	the governor. The members are:
22	(a) one member appointed-from-a-list-submitted-by-the
23	M ontana-academy-of-oto-ophthalmologyw-This-wember <u>who</u> shall
24	hold or be eligible for a certificate of qualification from
25	the American board of otolaryngology s i

1	(b) one member appointed-from-a-list-submitted-bythe
2	. MontanaspeechandhearingossociationThis-member who
3	shall hold or be eligible for a certificate of clinical
4	competence in audiology from the American speech and hearing
5	association <u>.</u>
6	(c) three members appointed-from-a-list-submitted-by
7	the-Montano-hearingoiddealers*societywThesemembers
8	sholl who have been qualified dispensers and fitters of
9	hearing aids for at least 5 years before their appointment
10	to the board.
11	{d} onestternste-member-shall-be-appointed-from-each
12	of-the-three-lists-to-serve-whenaregularmembercannot
13	sttend-o-scheduled-meeting.
14	(3) Each member shall serve for a term of 3 years. A
15	member may not be reappointed within 1 year after the
16	expiration of his second consecutive full term. If-a-vacancy
17	occursontheboardythe-governor-shall-appoint-c-person
18	from-thesamefistasthememberwhosetermwasnot
19	completedy
20	(4) The board is allocated to the department for
21	administrative purposes only as prescribed in 2-15-121.*
22	Section 7. Section 2-15-1618, MCA, is amended to read:
23	"2-15-1618. Board of veterinarians. (1) There is a
24	board of veterinarians.
25	(2) The board consists of six members appointed by the

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governor: five of whom shall be licensed veterinarians and
 one of whom shall be a public member who is a consumer of
 veterinary services and who shall not be a licentiate of the
 board or of any other board under the department of
 professional and occupational licensing.

6 +3}--The-Nontena-stata-veterinary--medical--association 7 shally--at-each-annual-meetingy-nominate-twice-the-number-of 8 veteringright-board-genbers-to-be-appointed--that--vesry--The 9 names-of-these-nominees-shall-be-annually-transmittedy-under seaty--to--the--qovernor--before-duty-iv-The-governor-shally 10 before-August-ly-appoint-from-this-list-the-board-members-to 11 12 fill-the-vacancies-that-will-occur-duly-31---If--no--nominee 13 has--the--required--qualifications--to--be-on-the-boardy-the 14 veterinarione 15

16 f4f(3) Each veterinarian member shall be a reputable licensed veterinarian who has graduated from a college 17 18 authorized by law to confer degrees and have educational 19 standards equal to those approved by the American veterinary 20 medical association. Each veterinarian member shall have 21 actually and legally practiced veterinary medicine in either 22 private practice or public service in this state for at 23 least 5 years immediately before his appointment.

24 (5)(4) Each member shall serve for a term of 5 years.
25 The governor may, after notice and hearing, remove a member

for misconduct. incapacity. or neglect of duty. 1 +6+(5) The board is allocated to the department for 2 administrative purposes only as prescribed in 2-15-121.* 3 4 Section 8. Section 2-15-1628, MCA, is amended to read: #2-15-1628. Board of physical therapy examiners. {1} 5 There is a board of physical therapy examiners. ń 7 (2) The board consists of three members appointed by 8 of--the-American-physical-therapy-associationy for a term of 9 10 3 years. (3) Each member must have been a resident of Hontana 11 12 a practicing physical therapist for the 3 years and preceding appointment to the board but-need-not-be-a--member 13 of--the--Montons--chapter--af--the-American-physical-therapy 14 15 association. (4) Within 30 days following July 1, 1979, the 16 governor shall make initial appointments to the board of 17 18 physical therapy examiners. He shall appoint one member each to hold office for terms of 1 year, 2 years, and 3 years, 19 respectively. At the end of each member's appointed term. a 20 21 member shall be appointed for a full 3-year term. 22 t5)--Ninety-days-prior-to-the-end-of-the-board-member*s term-of-office-a-nominating-committee-comprised--of--members 23

24 and--nonmembers--of--the--Montana--chapter--of--the-American
 25 physical-therapy-association-shall-submit-to-the-acvernar--a

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1 list--of--individuals--qualified-to-serve-as-o-member-of-the
 boords-The-list-shall-contain-not-less-than-three-times--the
 number-of-condidates-needed-to-fill-the-vacanciess
 4 tol[5] A vacancy on the board must be filled in the

5 same manner as the original appointmenty--except--that--the 6 names--of--qualified--individuals--must--be-submitted-to-the 7 governor-upon-notice-of-a-pending-vacancy-or-within-10--days 8 efter--a-vacancy-occurs. These appointments may only be made 9 for the unexpired portions of the term.

10 (77)(6) No member may be appointed for more than two 11 consecutive terms.

12 third I The governor may remove any board member for 13 negligence in performance of any duty required by law and 14 for incompetence or unprofessional or dishonorable conduct. 15 to the second of the second of the second of the 16 for any act performed in good faith in the execution of the 17 duties required by Title 37, chapter 11.

18 (18)(9) The board shall provide for its organizational
 19 structure by rule, which shall include a chairman,
 20 vice-chairman, and secretary-treasurer.

21 (11)(10) The board is allocated to the department for 22 administrative purposes only as prescribed in 2-15-121."

NEW_SECTION. Section 9. Nominees for appointment to
 licensing and regulatory boards. Private associations and
 members of the public may submit to the governor lists of

nominees for appointment to professional and occupational
 licensing and regulatory boards. The governor may consider
 nominees from the lists when making appointments to such
 boards.
 Section 10. Codification instruction. Section 9 is

6 intended to be codified as an integral part of Title 37,
7 chapter 1, and the provisions of section 9 apply to Title
8 37.

-End-

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47th Legislature

LC 1289/01

Approved by Committee on Judiciary

MER BILL NO. 312 1 2 INTRODUCED BY BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE 3

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO DELETE THE 6 REQUIREMENT THAT APPOINTMENTS BY THE GOVERNOR OF MEMBERS TO 7 THE BOARDS OF DENTISTRY, PODIATRY EXAMINERS, PHARMACISTS, NURSING HOME ADMINISTRATORS, SPEECH PATHOLOGISTS AND 8 9 AUDIOLOGISTS. HEARING AID DISPENSERS. VETERINARIANS. AND PHYSICAL THERAPISTS BE MADE FROM LISTS SUBMITTED BY PRIVATE 10 11 ASSOCIATIONS: PROVIDING THAT THE GOVERNOR MAY CONSIDER 12 NOMINEES BY LICENSEES, PRIVATE ASSOCIATIONS, AND MEMBERS OF 13 THE PUBLIC WHEN MAKING APPOINTMENTS TO LICENSING AND 14 REGULATORY BOARDS; AMENDING SECTIONS 2-15-1606, 2-15-1608, 15 2-15-1609, 2-15-1611, 2-15-1615, 2-15-1616, 2-15-1618, AND 16 2-15-1628 MCA.*

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18 WHEREAS, during the course of the Legislative Audit 19 Committee's review of regulatory and licensing boards under 20 the first two sunset cycles it was noted that appointments 21 by the Governor to some boards must be made from lists 22 submitted by private associations; and

23 WHEREAS, requirements tying board membership to private
24 associations have been struck down by the courts in a number
25 of states; and

WHEREAS, the opportunity for members of the public and
 private associations to submit nominees to the Governor for
 board appointments is in the public interest.

4 THEREFORE, it is the intent of this bill to delete 5 requirements that appointments by the Governor to regulatory 6 and licensing boards must be made from lists submitted by 7 private associations and to provide that members of the 8 public and private associations may submit nominees to the 9 Governor for appointment to regulatory and licensing boards. 10

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-15-1606, MCA, is amended to read:
 "2-15-1606. Board of dentistry. (1) There is a board
 of dentistry.

15 (2) The board consists of five dentists and one dental hygienist, all appointed by the governor. The-Montana-dental 16 17 association-and-the-Montona-dental--hydienists*--essociation shall-each-present-to-the-governory-within-15-days-ofter-its 18 19 requiar--annual--neetingy--a--list--of--not--less--than-five 20 condidates-from-which--appointments--for--vaconcies--on--the 21 board--occurring-during-the-ensuing-year-may-be-mades-At-all times-at-least-three-members-of-the-board-shall-be-appointed 22 23 from-the-list-of-condidates-submitted-by-the-Montana--dental 24 association--ond-one-member-shall-be-appointed-from-the-list 25 submitted-by-the--Montona--dental--hygienists*--associations

___SECOND READING 5B 3/2

1 member shall be licensed to practice a dental Each profession in this state, shall have actively practiced in 2 this state for at least 5 continuous years immediately 3 before his appointment, and shall be actively engaged in 4 practice while serving on the board. Each member shall be a 5 6 citizen of the United States and a resident of this state. 7 (3) Each member shall serve for a term of 5 years. The

8 governor may remove a member only for neglect or cause.

9 (4) The governor shall fill any vacancy within 3010 days.

(5) The board is allocated to the department for
 administrative purposes only as prescribed in 2-15-121."
 Section 2. Section 2-15-1608, MCA, is amended to read:
 "2-15-1608. Board of podiatry examiners. (1) There is
 a board of podiatry examiners.

16 (2) The board consists of three members, all of whom are licensed podiatrists appointed by the governor to 3-year 17 18 termsy--yelected-from-e-list-of-six-podiatrists-submitted-by 19 the-Montana-association-of-podiatrists. The members shall be residents of this state who have engaged in the active 20 practice of podiatry in this state for at least 2 years and 21 are of high integrity and ability. The-governor-shell-fill-o 22 vacancy-on-the-board-from-the-same-list-of-podiatrists* 23

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

Section 3. Section 2-15-1609, MCA, is amended to read:
 *2-15-1609. Board of pharmacists. (1) There is a board
 of pharmacists.

4 (2) The board consists of three members appointed by 5 the ovvernor. The-governor-shott-goodint-the-rembers-from-s 6 7 association=--The---Tist--shall--contain--the--nomes--of-five qualified-persons-for-each-appointment+ Each member shall be 8 a graduate of the college of pharmacy of the university of 9 10 Montana or of a college or school of pharmacy recognized and approved by or a member of the American association of 11 12 colleges of pharmacy. Each member shall have at least 5 13 consecutive years of practical experience as a pharmacist immediately before his appointment. However, one member may 14 15 be a registered pharmacist of 15 years' practical experience 16 and actually engaged in the practice of pharmacy. A member who, during his term of office, ceases to be actively 17 engaged in the practice of pharmacy in this state, shall be 18 19 automatically disgualified from membership on the board. 20 (3) Each member shall serve for a term of 3 years. A 21 member shall be removed from office by the governor on proof 22 of malfeasance or misfeasance in office, after reasonable 23 notice of charges against him and after a hearing.

24 (4) The board is allocated to the department for
 25 administrative purposes only as prescribed in 2-15-121-^M

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Section 4. Section 2-15-1611, MCA, is amended to read:
 "2-15-1611. Board of nursing home administrators. (1)
 There is a board of nursing home administrators.

(2) The board consists of five voting members 4 appointed by the governor. No more than two members shall be 5 nursing home administrators. One member shall represent the 6 public at large and must be 55 years of age or older at the 7 time of appointment. The other two members shall be 8 representatives of professions or institutions concerned 9 with the care of chronically ill and infirm aged patients 10 11 and may not be from the same profession or have a financial 12 interest in a nursing home.

(3) The director of the department of health and
environmental sciences or his designee and the director of
the department of social and rehabilitation services or his
designee are ex officio, nonvoting members of the board.

17 (+)--The-appointee-representing--the--public--at--lerge shall--be-selected-by-the-governorw-The-remaining-appointees shall-be-selected-from-a-list-of--three--nominees--submitted for--each-appointee-by-the-board-of-directors-of-the-Kontane nursing-home-associationw-incw

22 (57(4) Each appointed member shall serve for a term of 23 5 years. Any vacancy occurring in the position of an 24 appointive member shall be filled by the governor for the 25 unexpired term in-the-same-manner-provided-for-in-subsection

(4). 1 2 (6)(5) Appointive members may be removed by the 3 governor only for cause. 4 t7ticl The board is allocated to the department for 5 administrative purposes, only as prescribed in 2-15-121.** 6 Section 5. Section 2-15-1615, MCA, is amended to read: #2-15-1615. Board of speech 7 patholocists and 8 audiologists. (1) There is a board of speech pathologists 9 and audiologists. 10 (2) The board consists of five membersy-four-of--whom 11 who shall: 12 (a) be appointed by the governor from-names-submitted 13 to-him-by-the-Montona-speech-and-hearing-association; 14 (b) have been residents of this state for at least 1 15 year immediately preceding their appointment; and 16 (c) have been engaged in rendering services to the 17 public, teaching, or performing research in the field of speech pathology or audiology for at least 5 years 18 19 immediately preceding their appointment. 20 (3) At least two members of the board shall be speech 21 pathologists and at least two shall be audiologists, with 22 the remaining member to be a public member who is a consumer 23 of speech pathology or audiology services and who is not a 24 licentiate of the board or of any other board within the

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department. All board members, except the public member,

shall at all times be validly licensed in speech pathology 1 2 or audiology. 3 +++--Not-tess-then-68--days--before--the--eng--of--tesch 4 catendar--yeary--the--association--shatt--recommend-at-teast 5 three-and-mat--more--than--five--persons--for--esch--vecency occurring--at-the-end-of-the-calendar-vegra--In-the-event-of 6 7 a-vacancy-for--an--unexpired--termy--the--association--shall expeditiously-recommend-at-least-two-and-not-more-than-three R 9 persons--to--fill-the-vacancy-and-the-governor-shell-appoint one-of-those-persons-to-fill-the-unexpired-terms 10 11 +5+1(4) Appointments shall be for 3-year terms with no 12 person eligible to serve more than two full consecutive 13 terms. Terms begin on the first day of the calendar year 14 and end on the last day of the calendar year. 15 (6)(5) The board is allocated to the department for 16 administrative purposes only as prescribed in 2-15-121.** 17 Section 6. Section 2-15-1616, MCA, is amended to read: #2-15-1616. Board of hearing aid dispensers. (1) There 18 19 is a board of hearing aid dispensers. 20 (2) The board consists of five members appointed by 21 the governor. The members are: 22 (a) one member oppointed-from-o-list-submitted-by-the Montane-academy-of-ato-ophthelmologyw-This-member who shall 23 hold or be eligible for a certificate of qualification from 24 25 the American board of otolaryngology#1

1 (b) one member appointed-from-o-list-submitted-by--the 2 з shall hold or be eligible for a certificate of clinical 4 competence in audiology from the American speech and hearing association#: 5 (c) three members epointed from a list-submitted by 6 7 8 shall who have been qualified dispensers and fitters of hearing aids for at least 5 years before their appointment 9 10 to the board. 11 td)--one--alternate-member-shell-be-oppointed-from-esch 12 of-the-three-lists-to-serve-when--s--resultr--member--connot 13 ettend-a-scheduled-meetings 14 (3) Each member shall serve for a term of 3 years. A 15 member may not be reappointed within 1 year after the 16 expiration of his second consecutive full term. If-s-veconcy 17 occurs--on--the--boardy--the-abvernor-shall-appoint-e-person 18 from-the--some----19 completedy 20 (4) The board is allocated to the department for 21 administrative purposes only as prescribed in 2-15-121.* 22 Section 7. Section 2-15-1618, MCA, is amended to read: 23 "2-15-1618. Board of veterinarians. (1) There is a 24 board of veterinarians. 25 (2) The board consists of six members appointed by the

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a.

governor, five of whom shall be licensed veterinarians and
 one of whom shall be a public member who is a consumer of
 veterinary services and who shall not be a licentiate of the
 board or of any other board under the department of
 professional and occupational licensing.

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(3)--- The-Hontens-state-veterinary--medical--association 6 7 shally--at-cach-angual-meetingy-nominate-twice-the-number-of 8 veterinarian-board-members-to-be-appointed--that--vears--The nomes-of-these-nostrees-shall-be-annually-transmittedy-under 9 seaty--to--the--governor--before-duty-ta-The-governor-shalty 10 11 before-August-ly-oppoint-from-this-list-the-board-members-to 12 fill-the-vacancies-that-will-occur-July-Siv--If--no--nominee 13 has--the--feautred--auttifications--to--be-on-the-boordy-the covernor---mey---eppoint---onv---licensed---end---recistered 14 veterinorione 15

16 (4)[3] Each veterinarian member shall be a reputable 17 licensed veterinarian who has graduated from a college 18 authorized by law to confer degrees and have educational 19 standards equal to those approved by the American veterinary 20 medical association. Each veterinarian member shall have 21 actually and legally practiced veterinary medicine in either 22 private practice or public service in this state for at 23 least 5 years immediately before his appointment.

24 (5)(4) Each member shall serve for a term of 5 years.
25 The governor may, after notice and hearing, remove a member

for misconduct, incapacity, or neglect of duty. 1 +6+(5) The board is allocated to the department for 2 3 administrative purposes only as prescribed in 2-15-121." Section 8. Section 2-15-1628, MCA, is amended to read: 4 "2-15-1628. Board of physical therapy examiners. (1) 5 6 There is a board of physical therapy examiners. 7 (2) The board consists of three members appointed by the governory-upon-the-recommendation-of-the-Montang-chapter δ 9 of--the-American-physical-therapy-associationy for a term of 10 3 years. 11 (3) Each member must have been a resident of Montana 12 and a practicing physical therapist for the 3 years 13 preceding appointment to the board but-need-not-be-a--member of--the--Montana--chapter--of--the-American-physical-therapy 14 15 association. 16 (4) Within 30 days following July 1, 1979, the 17 governor shall make initial appointments to the board of 18 physical therapy examiners. He shall appoint one member each 19 to hold office for terms of 1 year, 2 years, and 3 years, 20 respectively. At the end of each member's appointed term, a 21 member shall be appointed for a full 3-year term.

22 (5)--Ninety-days-prior-to-the-end-of-the-board-member*s
 23 term-of-office-a-nominating-committee-comprised-off-members
 24 and--nommembers-off-the-Montana--chapter-off-the-American
 25 physical-theropy-association-shall-submit-to-the-governor-a

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1 Hist-of--individuals--qualified-to-serve-as-a-member-of-the
 boardw-The-list-shall-contain-not-less-than-three-times--the
 number-of-condidates-peeded-to-fill-the-vecancies

4 (6)(5) A vacancy on the board must be filled in the 5 same manner as the original appointmenty--except--that--the 6 nomes--of--qualified--individuals--must--be-submitted-to-the 7 governor-upon-notice-of-a-pending-vacancy-or-within-10--days 8 after--a-vaconcy-occurs. These appointments may only be made 9 for the unexpired portions of the term.

10 (7)(£) No member may be appointed for more than two 11 consecutive terms.

12 tot[1] The governor may remove any board member for 13 negligence in performance of any duty required by law and 14 for incompetence or unprofessional or dishonorable conduct. 15 (9)[8] A board member is not liable to civil action 16 for any act performed in good faith in the execution of the 17 duties required by Title 37, chapter 11.

18 (10)(2) The board shall provide for its organizational
 19 structure by rule, which shall include a chairman,
 20 vice-chairman, and secretary-treasurer.

21 <u>(111)</u> The board is allocated to the department for 22 administrative purposes only as prescribed in 2-15-121."

NEW SECTION. Section 9. Nominees for appointment to
 licensing and regulatory boards. Private associations and
 nembers of the public may submit to the governor lists of

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nominees for appointment to professional and occupational
 licensing and regulatory boards. The governor may consider
 nominees from the lists when making appointments to such
 boards.

Section 10. Codification instruction. Section 9 is
intended to be codified as an integral part of Title 37.
chapter 1, and the provisions of section 9 apply to Title
37.

-End-

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12 BILL NO. 3/2 1 INTRODUCED BY 2 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE 3

A BILL FOR AN ACT ENTITLED: "AN ACT TO DELETE THE 5 REQUIREMENT THAT APPOINTMENTS BY THE GOVERNOR OF MEMBERS TO 6 7 THE BOARDS OF DENTISTRY. PODIATRY EXAMINERS. PHARMACISTS. 8 NURSING HOME ADMINISTRATORS. SPEECH PATHOLOGISTS AND 9 AUDIOLOGISTS, HEARING AND DISPENSERS, VETERINARIANS, AND PHYSICAL THERAPISTS BE MADE FROM LISTS SUBMITTED BY PRIVATE 10 ASSOCIATIONS; PROVIDING THAT THE GOVERNOR MAY CONSIDER 11 12 NOMINEES BY LICENSEES, PRIVATE ASSOCIATIONS, AND MEMBERS OF 13 THE PUBLIC WHEN MAKING APPOINTMENTS TO LICENSING AND REGULATORY BOARDS: AMENDING SECTIONS 2-15-1606, 2-15-1608. 14 15 2-15-1609+ 2-15-1611+ 2-15-1615+ 2-15-1616+ 2-15-1618+ AND 16 2-15-1628, MCA.*

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18 WHEREAS, during the course of the Legislative Audit 19 Committee's review of regulatory and licensing boards under 20 the first two sunset cycles it was noted that appointments 21 by the Governor to some boards must be made from lists 22 submitted by private associations; and

23 WHEREAS, requirements tying board membership to private
24 associations have been struck down by the courts in a number
25 of states; and

WHEREAS, the opportunity for members of the public and
 private associations to submit nominees to the Governor for
 board appointments is in the public Interest.

4 THEREFORE, it is the intent of this bill to delete 5 requirements that appointments by the Governor to regulatory 6 and licensing boards must be made from lists submitted by 7 private associations and to provide that members of the 8 public and private associations may submit nominees to the 9 Governor for appointment to regulatory and licensing boards. 10

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-15-1606, MCA, is amended to read:
*2-15-1606. Board of dentistry. (1) There is a board
of dentistry.

15 (2) The board consists of five dentists and one dental hygienist, all appointed by the governor. The-Montena-dental 16 17 association-and-the-Montana-dents}--hygienists---association 18 shall-esch-present-to-the-governory-within-15-days-after-its 19 requier--annuel--meetingy--s--list--of--not--less--than-five 20 condidates from which -- appointments -- for -- vacancies -- on -- the 21 board--occurring-during-the-ensuing-year-may-be-mades-At-all 22 times-st-least-three-members-of-the-boord-shall-be-appointed 23 from-the-list-of-condidates-submitted-by-the-Montona--dentel 24 25 submitted-by-the--Hontena--dentel--hygienists4--associations

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Each member shall be licensed to practice a dental 1 profession in this state, shall have actively practiced in 2 this state for at least 5 continuous years immediately 3 before his appointment, and shall be actively engaged in 4 practice while serving on the board. Each member shall be a 5 6 citizen of the United States and a resident of this state. (3) Each member shall serve for a term of 5 years. The 7 governor may remove a member only for neglect or cause. 8

9 (4) The governor shall fill any vacancy within 3010 days.

(5) The board is allocated to the department for
 administrative purposes only as prescribed in 2-15-121."
 Section 2. Section 2-15-1608, MCA, is amended to read:
 "2-15-1608. Board of podiatry examiners. (1) There is
 a board of podiatry examiners.

(2) The board consists of three members, all of whom 16 are licensed podiatrists appointed by the governor to 3-year 17 termsy--selected-from-e-list-of-six-podistrists-submitted-by 18 the-Montana-association-of-podiatrists. The members shall be 19 residents of this state who have engaged in the active 20 practice of podiatry in this state for at least 2 years and 21 are of high integrity and ability. The-governor-shall-fill-a 22 vacancy-on-the-board-from-the-same-list-of-podiatristav 23

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

Section 3. Section 2-15-1609, MCA, is amended to read:
 "2-15-1609. Board of pharmacists. (1) There is a board
 of pharmacists.

4 (2) The board consists of three members appointed by the governor. The covernor shall consist the weaters from a 5 6 tist-submitted-ennyetty-by-the-Montene-state--phermoceuticat 7 ossociationy--The--list--sholl--contain--the--names--of-five guglified-persons-for-each-appointmenty Each member shall be 8 9 a graduate of the college of pharmacy of the university of 10 Montana or of a college or school of pharmacy recognized and 11 approved by or a member of the American association of 12 colleges of pharmacy. Each member shall have at least 5 13 consecutive years of practical experience as a pharmacist 14 immediately before his appointment. However, one member may be a registered pharmacist of 15 years' practical experience 15 and actually engaged in the practice of pharmacy. A member 16 17 who, during his term of office, ceases to be actively 18 engaged in the practice of pharmacy in this state, shall be 19 automatically disqualified from membership on the board. 20 (3) Each member shall serve for a term of 3 years. A

21 member shall be removed from office by the governor on proof 22 of malfeasance or misfeasance in office, after reasonable 23 notice of charges against him and after a hearing.

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

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Section 4. Section 2-15-1611, MCA, is amended to read:
 "2-15-1611. Board of nursing home administrators. (1)
 There is a board of nursing home administrators.

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(2) The board consists of five voting members 4 5 appointed by the governor. No more than two members shall be 6 nursing home administrators. One member shall represent the 7 public at large and must be 55 years of age or older at the 8 time of appointment. The other two members shall be 9 representatives of professions or institutions concerned 10 with the care of chronically ill and infirm aged patients 11 and may not be from the same profession or have a financial 12 interest In a nursing home.

13 (3) The director of the department of health and
14 environmental sciences or his designee and the director of
15 the department of social and rehabilitation services or his
16 designee are ex officio. nonvoting members of the board.

17(4)--The-appointee-representing-the-public--et-large18shall--be-selected-by-the-governory-The-remaining-appointees19shall-be-selected-from-a-list-of--three--nominees--submitted20for--each-appointee-by-the-board-of-directors-of-the-Hontane21nursing-home-associationy-incy

22 (57(4) Each appointed member shall serve for a term of 5 years. Any vacancy occurring in the position of an appointive member shall be filled by the governor for the unexpired term in-the-same-monner-provided-for-in-subsection 1 +47.

2 (6)(5) Appointive members may be removed by the 3 governor only for cause.

4 (7)(6) The board is allocated to the department for 5 administrative purposes only as prescribed in 2-15-121."

Section 5. Section 2-15-1615, MCA, is amended to read:
"2-15-1615. Board of speech pathologists and
audiologists. (1) There is a board of speech pathologists
and audiologists.

10 (2) The board consists of five membersy-four-of--whom 11 who shall:

12 (a) be appointed by the governor from-names-submitted

13 to-him-by-the-Hontona-speech-and-hearing-association;

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

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

20 (3) At least two members of the board shall be speech 21 pathologists and at least two shall be audiologists, with 22 the remaining member to be a public member who is a consumer 23 of speech pathology or audiology services and who is not a 24 licentiate of the board or of any other board within the 25 department. All board members, except the public member,

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1	shall at all times be validly licensed in speech pathology
2	or audiology.
Э	{4}~~Not-less-than~60-daysbeforeth eendofeach
4	col and aryearytheassociationshallrecommend-at-le ast
5	three-and-notmorethanfivepersonsforeachvacancy
6	occurringat-the-end-of-the-calendor-yearsin-the-event-of
7	a-vacancy-foranunexpiredtermytheassociationshall
8	expeditiously-recommend-at-least-two-and-not-more-than-three
9	personstofill-the-vocancy-and-the-governor-shall-appoint
10	one-of-those-persons-to-fill-the-unexpired-terms
11	(5)[<u>4</u>] Appointments shall be for 3-year terms with no
12	person eligible to serve more than two full consecutive
13	terms. Terms begin on the first day of the calendar year
14	and end on the last day of the calendar year.
15	(6)[5] The board is allocated to the department for
16	administrative purposes only as prescribed in 2-15-121."
17	Section 6. Section 2-15-1616, MCA, is agended to read:
18	#2-15-1616. Board of hearing aid dispensers. (1) There
19	is a board of hearing aid dispensers.
20	(2) The board consists of five members appointed by
21	"the governor. The members are:
22	(a) one member oppointed-from-a-list-submitted-by-the
23	Montand-academy-of-oto-ophthelmologys-This-member <u>who</u> shall
24	hold or be eligible for a certificate of qualification from
25	the American board of otolaryngologywi

1	(b) one member appointed-from-a-list-submitted-bythe
2	MontonaspeechandhearingossociationThis-member <u>who</u>
3	shall hold or be eligible for a certificate of clinical
4	competence in audiology from the American speech and hearing
5	association <u>ui</u>
6	(C) three members appointed-from-a-list-submitted-by
7	the-Hontans-hearingsiddeslers4societywihesemembers
8	shall who have been qualified dispensers and fitters of
9	hearing aids for at least 5 years before their appointment
10	to the board.
11	{d}onesitarnate-member-shall-be -appainted-from-each
12	of-the-three-lists-to-serve-whenaregularmembercannat
13	sttend -s-scheduled-meeting=
14	(3) Each member shall serve for a term of 3 years. A
15	member may not be reappointed within 1 year after the
16	expiration of his second consecutive full term. If-a-vocancy
17	occursontheboardythe-governor-shall-sppoint-a-person
18	from-thesamelistssthememberwhosetermwosnot
19	completedw
20	(4) The board is allocated to the department for
21	administrative purposes only as prescribed in 2-15-121.*
22	Section 7. Section 2-15-1618, MCA, is amended to read:
23	#2-15-1618. Board of veterinarians. (1) There is a
24	board of veterinarians.
25	(2) The board consists of six members appointed by the

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governor, five of whom shall be licensed veterinarians and
 one of whom shall be a public member who is a consumer of
 veterinary services and who shall not be a licentlate of the
 board or of any other board under the department of
 professional and occupational licensing.

6 {3}--The-Montena-state-veterinary--medical--association shally--ot-each-annual-meetingy-nominate-twice-the-number-of 7 8 veteringrian-board-members-to-be-sppointed--that--year---The 9 nomes-of-these-nominees-shell-be-ennusly-transmitted--under sealy--to--the--governor--before-duly-ly-The-covernor-shally 10 11 before-August-ly-appoint-from-this-list-the-boord-members-to 12 fill-the-vacancies-thet-will-occur-duly-lts--If--no--nominee 13 hos--the--required--qualificetions--to--be-on-the-boardy-the 14 veterinoriony 15

16 141131 Each veterinarian member shall be a reputable 17 licensed veterinarian who has graduated from a college 18 authorized by law to confer degrees and have educational 19 standards equal to those approved by the American veterinary 20 medical association. Each veterinarian member shall have 21 actually and legally practiced veterinary medicine in either 22 private practice or public service in this state for at 23 least 5 years immediately before his appointment.

24 (5)(4) Each member shall serve for a term of 5 years.
25 The governor may, after notice and hearing, remove a member

for misconduct, incapacity, or neglect of duty.

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

4 Section 8. Section 2-15-1628, MCA, is amended to read: 5 #2-15-1628. Board of physical therapy examiners. (1)

6 There is a board of physical therapy examiners.

7 (2) The board consists of three members appointed by
 8 the governory-upon-the-recommendation-of-the-Montone-chapter
 9 of--the-American-physical-therapy-associationy for a term of
 10 3 years.

11 (3) Each member must have been a resident of Montana 12 and a practicing physical therapist for the 3 years 13 preceding appointment to the board but-need-not-be-s-member 14 of--the--Montana--chapter--of--the-American-physical-therapy 15 association.

16 (4) Within 30 days following July 1, 1979, the 17 governor shall make initial appointments to the board of 18 physical therapy examiners. He shall appoint one member each 19 to hold office for terms of 1 year, 2 years, and 3 years, 20 respectively. At the end of each member's appointed term, a 21 member shall be appointed for a full 3-year term.

term-of-office-s-nominating-committee-comprised--of--members
ond--nonmembers--of--the--Montono--chapter--of--the-American
physical-therapy-ossociation-shall-submit-to-the-governor--o

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4 (6)(5) A vacancy on the board must be filled in the 5 same manner as the original appointmenty--except--that--the 6 names--of--qualified--individuals--must--be-submitted-to-the 7 governor-upon-notice-of-a-pending-vacancy-or-within-18--days 8 efter--e-vacancy-occurs. These appointments may only be made 9 for the unexpired portions of the term.

10 (77)(6) No member may be appointed for more than two 11 consecutive terms.

12 (8)[7] The governor may remove any board member for 13 negligence in performance of any duty required by law and 14 for incompetence or unprofessional or dishonorable conduct. 15 (9)[8] A board member is not liable to civil action 16 for any act performed in good faith in the execution of the 17 duties required by Title 37, chapter 11.

18 (10)(2) The board shall provide for its organizational
 19 structure by rule, which shall include a chairman,
 20 vice-chairman, and secretary-treasurer.

21 (11)(10) The board is allocated to the department for 22 administrative purposes only as prescribed in 2-15-121." 23 <u>NEW SECTION</u> Section 9. Nominees for appointment to 24 licensing and regulatory boards. Private associations and 25 members of the public may submit to the governor lists of nominees for appointment to professional and occupational
 licensing and regulatory boards. The governor may consider
 nominees from the lists when making appointments to such
 boards.

Section 10. Codification instruction. Section 9 is
intended to be codified as an integral part of Title 37.
chapter 1. and the provisions of section 9 apply to Title
37.

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of states; and

1	SENATE BILL NO. 312
z	INTRODUCED BY HIMSL+ S+ BROWN
3	BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO DELETE THE
6	REQUIREMENT THAT APPOINTMENTS BY THE GOVERNOR OF MEMBERS TO
7	THE BOARDS OF DENTISTRY, PODIATRY EXAMINERS, PHARMACISTS,
8	NURSING HOME ADMINISTRATORS, SPEECH PATHOLOGISTS AND
9	AUDIOLOGISTS, HEARING AID DISPENSERS, VETERINARIANS, AND
10	PHYSICAL THERAPISTS BE NADE FROM LISTS SUBMITTED BY PRIVATE
11	ASSOCIATIONS; PROVIDING THAT THE GOVERNOR MAY CONSIDER
12	NOMINEES BY LICENSEES, PRIVATE ASSOCIATIONS, AND MEMBERS OF
13	THE PUBLIC WHEN MAKING APPOINTMENTS TO LICENSING AND
14	REGULATORY BOARDS; AMENDING SECTIONS 2-15-1606+ 2-15-1608+
15	2-15-1609, 2-15-1611, 2-15-1615, 2-15-1616, 2-15-1618, AND
16	2-15-1628, MCA."
17	
18	WHEREAS, during the course of the Legislative Audit
19	Committee's review of regulatory and licensing boards under
20	the first two sunset cycles it was noted that appointments
21	by the Governor to some boards must be made from lists
22	submitted by private associations; and
23	WHEREAS, requirements tying board membership to private
24	associations have been struck down by the courts in a number

WHEREAS, the opportunity for members of the public and
 private associations to submit nominees to the Governor for
 board appointments is in the public interest.

4 THEREFORE, it is the intent of this bill to delete 5 requirements that appointments by the Governor to regulatory 6 and licensing boards must be made from lists submitted by 7 private associations and to provide that members of the 8 public and private associations may submit nominees to the 9 Governor for appointment to regulatory and licensing boards. 10

 11
 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

 12
 Section 1. Section 2-15-1606, MCA, is amended to read:

 13
 *2-15-1606. Board of dentistry. (1) There is a board

14

of dentistry.

15 (2) The board consists of five dentists and one dental 16 hygienist, all appointed by the governor. The-Montana-dental 17 association-and-the-Hontana-dental--hydrenists---association 18 shall-each-present-to-the-governory-within-15-days-after-its 19 regular--annual--meetingy--a--list--of--not--less--than-five 20 condidates-from-which--appointments--for--vaconcies--on--the 21 board--occurring-during-the-ensuing-year-may-be-mades-At-all 22 times-at-least-three-members-of-the-boord-shall-be-appointed 23 from-the-list-of-candidates-submitted-by-the-Montana--dental 24 association--and-one-member-shall-be-appointed-from-the-list 25 submitted-by-the--Montana--dental--hygienists---association*

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REFERENCE BILL

1 Each member shall be licensed to practice a dental 2 profession in this state, shall have actively practiced in 3 this state for at least 5 continuous years immediately 4 before his appointment, and shall be actively engaged in 5 practice while serving on the board. Each member shall be a citizen of the United States and a resident of this state. 6 7 (3) Each member shall serve for a term of 5 years. The governor may remove a member only for neglect or cause. 8

9 {4} The governor shall fill any vacancy within 30 10 days.

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

Section 2- Section 2-15-1608, MCA, is amended to read:
 "2-15-1608. Board of podiatry examiners. (1) There is
 a board of podiatry examiners.

16 (2) The board consists of three members, all of whom 17 are licensed podiatrists appointed by the governor to 3-year 18 termsy--selected-from-a-list-of-six-podiatrists-submitted-by 19 the-Montana-association-of-podiatrists. The members shall be 20 residents of this state who have engaged in the active 21 practice of podiatry in this state for at least 2 years and 22 are of high integrity and ability. The overnor-shall-fill-a 23 vacancy-on-the-board-from-the-same-list-of-podiatrists.

24 (3) The board is allocated to the department for25 administrative purposes only as prescribed in 2-15-121."

Section 3. Section 2-15-1609, MCA, is amended to read:
 "2-15-1609. Board of pharmacists. (1) There is a board
 of pharmacists.

4 (2) The board consists of three members appointed by 5 the governor. The-governor-shall-appoint-the-members-from-a 6 list-submitted-annually-by-the-Montana-state--pharmaceutical 7 associations--The--list--shall--contain--the--names--of-five 8 qualified-persons-for-each-oppointment+ Each member shall be 9 a graduate of the college of pharmacy of the university of Montana or of a college or school of pharmacy recognized and 10 11 approved by or a member of the American association of 12 colleges of pharmacy. Each member shall have at least 5 13 consecutive years of practical experience as a pharmacist 14 immediately before his appointment. However, one member may 15 be a registered pharmacist of 15 years' practical experience 16 and actually engaged in the practice of pharmacy. A member 17 who, during his term of office, ceases to be actively 18 engaged in the practice of pharmacy in this state, shall be 19 automatically disqualified from membership on the board. 20 (3) Each member shall serve for a term of 3 years. A 21 member shall be removed from office by the governor on proof 22 of malfeasance or misfeasance in office, after reasonable 23 notice of charges against him and after a hearing. 24 (4) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121." 25

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Section 4. Section 2-15-1611, MCA, is amended to read:
 "2-15-1611. Board of nursing home administrators. (1)
 There is a board of nursing home administrators.

(2) The board consists of five voting members 4 5 appointed by the governor. No more than two members shall be nursing home administrators. One member shall represent the 6 7 public at large and must be 55 years of age or older at the 8 time of appointment. The other two members shall be 9 representatives of professions or institutions concerned with the care of chronically ill and infirm aged patients 10 11 and may not be from the same profession or have a financial 12 interest in a nursing home.

13 {3} The director of the department of health and environmental sciences or his designee and the director of 15 the department of social and rehabilitation services or his 16 designee are ex officio, nonvoting members of the board.

17 (4)--The-appointee-representing--the--public--at--targe shall--be-selected-by-the-governor-The-remaining-appointees shall-be-selected-from-a-list-of--three--nominees--submitted for--each-appointee-by-the-board-of-directors-of-the-Montana nursing-home-association--inc

22 (5)(4) Each appointed member shall serve for a term of 5 years. Any vacancy occurring in the position of an appointive member shall be filled by the governor for the unexpired term in-the-same-manner-provided-for-in-subsection

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2 f6f(5) Appointive members may be removed by the 3 governor only for cause.

4 (7)(6) The board is allocated to the department for 5 administrative purposes only as prescribed in 2-15-121.*

Section 5. Section 2-15-1615. MCA, is amended to read:
"2-15-1615. Board of speech pathologists and
audiologists. (1) There is a board of speech pathologists
and audiologists.

10 (2) The board consists of five membersy-four-of--whom 11 who shall:

12 (a) be appointed by the governor from-names-submitted
13 to-him-by-the-Montana-speech-and-hearing-association;

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

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

20 (3) At least two members of the board shall be speech 21 pathologists and at least two snall be audiologists, with 22 the remaining member to be a public member who is a consumer 23 of speech pathology or audiology services and who is not a 24 licentiate of the board or of any other board within the 25 department. All board members, except the public member,

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1	shall at all times be validly licensed in speech pathology
Z	or audiotogy.
3	[4]Not-less-than-60daysbeforetheendofeach
4	colendaryearytheassociationshallrecommend-at-least
5	three-and-notmorethanfivepersonsforeachvacancy
6	occurringat-the-end-of-the-ca lend ar-year#In-the-event-of
7	a-vacancy-foranunexpiredtermytheassociationshall
8	expeditiously-recommend-at-least-two-and-not-more-than-three
9	p ersonstofill-the-vacancy- and-the-g over nor-shall-appoint
10	one-of-those-persons-to-fill-the-unexpired-terma
11	[5][4] Appointments shall be for 3-year terms with no
12	person eligible to serve more than two full consecutive
13	terms. Terms begin on the first day of the calendar year
14	and end on the last day of the calendar year.
15	<pre>f61[5] The board is allocated to the department for</pre>
16	administrative purposes only as prescribed in 2-15-121."
17	Section 6. Section 2-15-1616, MCA, is amended to read:
18	#2-15-1616. Board of hearing aid dispensers. (1) There
19	is a board of hearing aid dispensers.
20	(2) The board consists of five members appointed by
21	the governor. The members are:
22	(a) one member appointed-from-a-list-submitted-by-the
23	Montana-academy-of-oto-ophthalmology=-This-memoer <u>who</u> shall
24	hold or be eligible for a certificate of qualification from
25	the American board of otolaryngologyw <u>;</u>

1	(b) one member appointed-from-a-list-submitted-bythe
2	MontanaspeechandhearingassociationThis-member <u>Who</u>
3	shall hold or be eligible for a certificate of clinical
4	competence in audiology from the American speech and hearing
5	association* <u>;</u>
6	(C) three members appointed-from-o-list-submitted-by
7	the-Montana-hearingaiddeafers4society=-fhesemembers
8	shall who have been qualified dispensers and fitters of
9	hearing aids for at least 5 years before their appointment
10	to the board.
11	td;onealternate-member-shall-be-appainted-from-each
12	of-the-three-lists-to-serve-whenaregularmembercannot
13	attend-a-schedułed-meeting=
14	(3) Each member shall serve for a term of 3 years. A
15	member may not be reappointed within 1 year after the
16	expiration of his second consecutive full term. If-a-vacancy
17	occursonthebeardythe-governor-shall-appoint-a-person
18	from-thesamelistosthememberwhosetermwasnot
19	completedw
20	(4) The board is allocated to the department for
21	administrative purposes only as prescribed in 2-15-121."
22	Section 7. Section 2-15-1618, MCA, is amended to read:
23	"2-15-1618. Board of veterinarians. {1} There is a
24	board of veterinarians.
25	(2) The board consists of six members appointed by the

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1 governor, five of whom shall be licensed veterinarians and 2 one of whom shall be a public member who is a consumer of 3 veterinary services and who shall not be a licentiate of the 4 board or of any other board under the department of 5 professional and occupational licensing.

6 (3)---The-Montana-state-veterinary--medical--association 7 shally--at-each-annual-meetingy-nominate-twice-the-number-of 8 veteringrigh-board-members-to-be-appointed--that--vears--The 9 names-of-these-nominees-shall-be-annually-transmittedy-under 10 sealy--to--the--governor--before-July-ly-The-governor-shally 11 before-August-iv-oppoint-from-this-list-the-board-members-to 12 fill-the-vacancies-that-will-occur-July-Ji---if--no--nominee 13 has--the--required--quelifications--to--be-on-the-boardy-the 14 15 veterinarian*

16 (4) (3) Each veterinarian member shall be a reputable 17 licensed veterinarian who has graduated from a college 18 authorized by law to confer degrees and have educational 19 standards equal to those approved by the American veterinary 20 medical association. Each veterinarian member shall have 21 actually and legally practiced veterinary medicine in either 22 private practice or public service in this state for at 23 least 5 years immediately before his appointment.

24 (5)(4) Each member shall serve for a term of 5 years.
25 The governor may, after notice and hearing, remove a member

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1 for misconduct, incapacity, or neglect of duty.

2 t6+151 The board is allocated to the department for
3 administrative purposes only as prescribed in 2-15-121.**
4 Section 8. Section 2-15-1628. MCA, is amended to read:
5 **2-15-1628. Board of physical therapy examiners. (1)
6 There is a board of physical therapy examiners.

7 (2) The board consists of three members appointed by
 8 the governor--upon-the-recommendation-of-the-Montane-chapter
 9 of--the-American-physical-therapy-associations for a term of
 10 3 years.

11 (3) Each member must have been a resident of Montana 12 and a practicing physical therapist for the 3 years 13 preceding appointment to the board but-need-not-be-a--member 14 of--the--Montana--chapter--of--the-American-physical-therapy 15 objectation.

16 (4) Within 30 days following July 1, 1979, the
17 governor shall make initial appointments to the board of
18 physical therapy examiners. He shall appoint one member each
19 to hold office for terms of 1 year, 2 years, and 3 years,
20 respectively. At the end of each member's appointed term, a
21 member shall be appointed for a full 3-year term.

22 t57--Ninety-days-prior-to-the-end-of-the-board-member*s
23 term-of-office-a-nominating-committee-comprised--of--members
24 and--nonmembers--of--the--Montana--chapter--of--the-American
25 physical-therapy-association-shall-submit-to-the-governor--a

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1 +ist-~of--individuals--qualified-to-serve-as-a-member-of-the 2 boardy-The-list-shall-contain-not-less-than-three-times--the 3 number-of-condidates-needed-to-fill-the-vacancies-4 +6+(5) A vacancy on the board must be filled in the 5 same manner as the original appointmenty--except--that--the names--of--qualified--individuals--must--be-submitted-to-the 6 7 governor-upon-notice-of-a-pending-vacancy-or-within-t0--days after--a-vacancy-accurs. These appointments may only be made 8 9 for the unexpired portions of the term. (7)(6) No member may be appointed for more than two 10 11 consecutive terms.

12 (8)(7) The governor may remove any board member for 13 negligence in performance of any duty required by law and 14 for incompetence or unprofessional or dishonorable conduct. 15 (9)(8) A board member is not liable to civil action 16 for any act performed in good faith in the execution of the 17 duties required by Title 37, chapter 11.

18 (10)(9) The board shall provide for its organizational
 19 structure by rule, which shall include a chairman,
 20 vice-chairman, and secretary-treasurer.

21 (11)(10) The board is allocated to the department for
22 administrative purposes only as prescribed in 2-15-121."

<u>NEW_SECTION</u>. Section 9. Nominees for appointment to
 licensing and regulatory boards. Private associations and
 members of the public may submit to the governor lists of

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nominees for appointment to professional and occupational
 licensing and regulatory boards. The governor may consider
 nominees from the lists when making appointments to such
 boards.
 Section 10. Codification instruction. Section 9 is

6 intended to be codified as an integral part of Title 37,

7 chapter 1, and the provisions of section 9 apply to Title

8 37.

-End-

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