

SENATE BILL NO. 424

INTRODUCED BY HIMSL, S. BROWN

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

IN THE SENATE

February 10, 1981	Introduced and referred to Committee on State Administration.
February 18, 1981	Committee recommend bill do pass. Report adopted.
February 19, 1981	Bill printed and placed on members' desks.
February 20, 1981	Second reading, do pass.
February 23, 1981	Correctly engrossed.
February 24, 1981	Third reading, passed. Ayes, 42; Noes, 8. Transmitted to House.

IN THE HOUSE

March 3, 1981	Introduced and referred to Committee on State Administration.
March 18, 1981	Committee recommend bill be concurred in. Report adopted.
March 21, 1981	Second reading, concurred in.
March 24, 1981	Third reading, concurred in. Ayes, 88; Noes, 8.

IN THE SENATE

March 25, 1981	Returned from House. Concurred in. Sent to enrolling. Reported correctly enrolled.
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1 *Senate* BILL NO. *424*
 2 INTRODUCED BY *Steve Brown* STEVE BROWN
 3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE
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5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR SENATE
 6 CONFIRMATION OF MEMBERS OF THE BOARDS OF COUNTY PRINTING,
 7 DENTISTRY, OSTEOPATHIC PHYSICIANS, PODIATRY EXAMINERS,
 8 PHARMACISTS, NURSING, NURSING HOME ADMINISTRATORS,
 9 OPTOMETRISTS, CHIROPRACTORS, RADIOLOGIC TECHNOLOGISTS,
 10 SPEECH PATHOLOGISTS AND AUDIOLOGISTS, HEARING AID
 11 DISPENSERS, PSYCHOLOGISTS, VETERINARIANS, BARBERS,
 12 COSMETOLOGISTS, MASSAGE THERAPISTS, PHYSICAL THERAPY
 13 EXAMINERS, SANITARIANS, LANDSCAPE ARCHITECTS, PROFESSIONAL
 14 ENGINEERS AND LAND SURVEYORS, PLUMBERS, ATHLETICS, AND
 15 VETERANS' AFFAIRS, AND THE COMMISSION FOR HUMAN RIGHTS;
 16 AMENDING SECTIONS 2-15-1102, 2-15-1606 THROUGH 2-15-1618,
 17 2-15-1625 THROUGH 2-15-1628, 2-15-1631, 2-15-1652,
 18 2-15-1653, 2-15-1655, 2-15-1661, 2-15-1706, AND 2-15-2202,
 19 MCA."

20
 21 WHEREAS, the Legislative Audit Committee has completed
 22 its review of regulatory and licensing boards under the
 23 first two sunset cycles; and

24 WHEREAS, it was noted that appointments to many
 25 regulatory and licensing boards are not subject to Senate

1 confirmation; and
 2 WHEREAS, Senate confirmation provides an opportunity
 3 for input to the appointment process by members of the
 4 regulated trade, profession, or industry and by the public,
 5 which is in the public interest.

6 THEREFORE, it is the intent of this act to provide for
 7 Senate confirmation of members of regulatory and licensing
 8 boards not presently requiring Senate confirmation.
 9

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

11 Section 1. Section 2-15-1102, MCA, is amended to read:

12 "2-15-1102. Board of county printing -- composition --
 13 allocation -- compensation. (1) There is a board of county
 14 printing.

15 (2) The board consists of five members appointed by
 16 the governor with the consent of the senate for terms of 2
 17 years.

- 18 (3) The members are:
 19 (a) two members of the printing industry;
 20 (b) two county commissioners;
 21 (c) one member of the general public.

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

24 (5) The members of the board shall be compensated and
 25 reimbursed as are members of advisory councils in 2-15-122."

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

4 (2) The board consists of five dentists and one dental
 5 hygienist, all appointed by the governor with the consent of
 6 the senate. The Montana dental association and the Montana
 7 dental hygienists' association shall each present to the
 8 governor, within 15 days after its regular annual meeting, a
 9 list of not less than five candidates from which
 10 appointments for vacancies on the board occurring during the
 11 ensuing year may be made. At all times at least three
 12 members of the board shall be appointed from the list of
 13 candidates submitted by the Montana dental association and
 14 one member shall be appointed from the list submitted by the
 15 Montana dental hygienists' association. Each member shall be
 16 licensed to practice a dental profession in this state,
 17 shall have actively practiced in this state for at least 5
 18 continuous years immediately before his appointment, and
 19 shall be actively engaged in practice while serving on the
 20 board. Each member shall be a citizen of the United States
 21 and a resident of this state.

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

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

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

3 Section 3. Section 2-15-1607, MCA, is amended to read:
 4 "2-15-1607. Board of osteopathic physicians. (1) There
 5 is a board of osteopathic physicians.

6 (2) The board consists of three members appointed by
 7 the governor with the consent of the senate. Each member
 8 shall be a qualified practicing resident osteopath and a
 9 graduate of a legally authorized school of osteopathy.

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

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

13 Section 4. 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 podiatrists appointed by the governor with the
 18 consent of the senate to 3-year terms, selected from a list
 19 of six podiatrists submitted by the Montana association of
 20 podiatrists. The members shall be residents of this state
 21 who have engaged in the active practice of podiatry in this
 22 state for at least 2 years and are of high integrity and
 23 ability. The governor shall fill a vacancy on the board from
 24 the same list of podiatrists.

25 (3) The board is allocated to the department for

1 administrative purposes only as prescribed in 2-15-121."

2 Section 5. Section 2-15-1609, MCA, is amended to read:

3 "2-15-1609. Board of pharmacists. (1) There is a board
4 of pharmacists.

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

22 (3) Each member shall serve for a term of 3 years. A
23 member shall be removed from office by the governor on proof
24 of malfeasance or misfeasance in office, after reasonable
25 notice of charges against him and after a hearing.

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

3 Section 6. Section 2-15-1610, MCA, is amended to read:

4 "2-15-1610. Board of nursing. (1) There is a board of
5 nursing.

6 (2) The board consists of eight members appointed by
7 the governor ~~with the consent of the senate~~. The members
8 are:

9 (a) five registered professional nurses who constitute
10 the board--professional nursing administration. At least
11 three members shall have had at least 3 years in
12 administrative, teaching, or supervisory experience in
13 schools of nursing. Each member shall:

- 14 (i) be a graduate of an approved school of nursing;
15 (ii) be a licensed nurse in this state;
16 (iii) have had at least 5 years' experience in nursing
17 following graduation; and
18 (iv) have been actively engaged in nursing for at least
19 3 years immediately before appointment.

20 (b) three practical nurses who constitute the
21 board--practical nursing administration. Each member shall:
22 (i) be a graduate of a school of practical nursing;
23 (ii) be a licensed practical nurse in this state;
24 (iii) have had at least 3 years' experience as a
25 practical nurse; and

1 (iv) have been actively engaged in the practice of
2 practical nursing for at least 2 years immediately before
3 appointment.

4 (3) All members shall have been residents of this
5 state for at least 1 year before appointment and be citizens
6 of the United States.

7 (4) All members shall serve for a term of 5 years, and
8 a member may not be appointed for more than two consecutive
9 terms. The governor may remove a member from the board for
10 neglect of a duty required by law or for incompetency or
11 unprofessional or dishonorable conduct.

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

14 Section 7. Section 2-15-1611, MCA, is amended to read:

15 "2-15-1611. Board of nursing home administrators. (1)
16 There is a board of nursing home administrators.

17 (2) The board consists of five voting members
18 appointed by the governor ~~with the consent of the senate~~. No
19 more than two members shall be nursing home administrators.
20 One member shall represent the public at large and must be
21 55 years of age or older at the time of appointment. The
22 other two members shall be representatives of professions or
23 institutions concerned with the care of chronically ill and
24 infirm aged patients and may not be from the same profession
25 or have a financial interest in a nursing home.

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

5 (4) The appointee representing the public at large
6 shall be selected by the governor. The remaining appointees
7 shall be selected from a list of three nominees submitted
8 for each appointee by the board of directors of the Montana
9 nursing home association, inc.

10 (5) Each appointed member shall serve for a term of 5
11 years. Any vacancy occurring in the position of an
12 appointive member shall be filled by the governor for the
13 unexpired term in the same manner provided for in subsection
14 (4).

15 (6) Appointive members may be removed by the governor
16 only for cause.

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

19 Section 8. Section 2-15-1612, MCA, is amended to read:

20 "2-15-1612. Board of optometrists. (1) There is a
21 board of optometrists.

22 (2) The board consists of four members appointed by
23 the governor ~~with the consent of the senate~~. Three members
24 must be registered optometrists of this state and actually
25 engaged in the exclusive practice of optometry in this state

1 during their terms of office. One member must be a
2 representative of the public who is not engaged in the
3 practice of optometry.

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

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

7 Section 9. Section 2-15-1613, MCA, is amended to read:

8 "2-15-1613. Board of chiropractors. (1) There is a
9 board of chiropractors.

10 (2) The board consists of three members appointed by
11 the governor ~~with the consent of the senate~~. The members
12 shall be practicing chiropractors of integrity and ability
13 who shall be residents of this state and who have practiced
14 chiropractic continuously in this state for at least 1 year.
15 No two members shall be graduates of the same school or
16 college of chiropractic.

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

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

23 Section 10. Section 2-15-1614, MCA, is amended to
24 read:

25 "2-15-1614. Board of radiologic technologists. (1)

1 There is a board of radiologic technologists.

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

4 (a) two members shall be radiologists licensed to
5 practice medicine in Montana;

6 (b) one member shall be a physician licensed to
7 practice medicine in Montana;

8 (c) one member shall be a chiropractor licensed to
9 practice in Montana; and

10 (d) three members shall be radiologic technologists
11 registered with the American registry of radiologic
12 technologists (ARRT) who, with the exception of the first
13 appointed members, are licensed radiologic technologists.

14 (3) Vacancies in unexpired terms shall be filled for
15 the remainder of the term.

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

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

19 Section 11. Section 2-15-1615, MCA, is amended to
20 read:

21 "2-15-1615. Board of speech pathologists and
22 audiologists. (1) There is a board of speech pathologists
23 and audiologists.

24 (2) The board consists of five members, four of whom
25 shall:

1 (a) be appointed by the governor ~~with the consent of~~
2 ~~the senate~~ from names submitted to him by the Montana speech
3 and hearing association;

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

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

10 (3) At least two members of the board shall be speech
11 pathologists and at least two shall be audiologists, with
12 the remaining member to be a public member, ~~appointed by the~~
13 ~~governor with the consent of the senate~~, who is a consumer
14 of speech pathology or audiology services and who is not a
15 licentiate of the board or of any other board within the
16 department. All board members, except the public member,
17 shall at all times be validly licensed in speech pathology
18 or audiology.

19 (4) Not less than 60 days before the end of each
20 calendar year, the association shall recommend at least
21 three and not more than five persons for each vacancy
22 occurring at the end of the calendar year. In the event of
23 a vacancy for an unexpired term, the association shall
24 expeditiously recommend at least two and not more than three
25 persons to fill the vacancy and the governor shall appoint

1 one of those persons to fill the unexpired term.

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

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

8 Section 12. Section 2-15-1616, MCA, is amended to
9 read:

10 "2-15-1616. Board of hearing aid dispensers. (1) There
11 is a board of hearing aid dispensers.

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

15 (a) one member appointed from a list submitted by the
16 Montana academy of oto-ophthalmology. This member shall hold
17 or be eligible for a certificate of qualification from the
18 American board of otolaryngology.

19 (b) one member appointed from a list submitted by the
20 Montana speech and hearing association. This member shall
21 hold or be eligible for a certificate of clinical competence
22 in audiology from the American speech and hearing
23 association.

24 (c) three members appointed from a list submitted by
25 the Montana hearing aid dealers' society. These members

1 shall have been qualified dispensers and fitters of hearing
2 aids for at least 5 years before their appointment to the
3 board.

4 (d) one alternate member shall be appointed from each
5 of the three lists to serve when a regular member cannot
6 attend a scheduled meeting.

7 (3) Each member shall serve for a term of 3 years. A
8 member may not be reappointed within 1 year after the
9 expiration of his second consecutive full term. If a vacancy
10 occurs on the board, the governor shall appoint a person
11 from the same list as the member whose term was not
12 completed.

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

15 Section 13. Section 2-15-1617, MCA, is amended to
16 read:

17 "2-15-1617. Board of psychologists. (1) There is a
18 board of psychologists.

19 (2) The board consists of three members appointed by
20 the governor with the consent of the senate. The governor
21 shall appoint all members, including a member filling a
22 vacancy for an unexpired term, from the list of licensed
23 psychologists in this state. A member may not succeed
24 himself but may be reappointed after 3 years following the
25 termination of his previous appointment. Each member shall

1 be a citizen of the United States and a resident of this
2 state.

3 (3) Each member shall serve for a term of 3 years."

4 Section 14. Section 2-15-1618, MCA, is amended to
5 read:

6 "2-15-1618. Board of veterinarians. (1) There is a
7 board of veterinarians.

8 (2) The board consists of six members appointed by the
9 governor with the consent of the senate, five of whom shall
10 be licensed veterinarians and one of whom shall be a public
11 member who is a consumer of veterinary services and who
12 shall not be a licentiate of the board or of any other board
13 under the department of professional and occupational
14 licensing.

15 (3) The Montana state veterinary medical association
16 shall, at each annual meeting, nominate twice the number of
17 veterinarian board members to be appointed that year. The
18 names of these nominees shall be annually transmitted, under
19 seal, to the governor before July 1. The governor shall,
20 before August 1, appoint from this list the board members to
21 fill the vacancies that will occur July 31. If no nominee
22 has the required qualifications to be on the board, the
23 governor may appoint any licensed and registered
24 veterinarian.

25 (4) Each veterinarian member shall be a reputable

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

8 (5) Each member shall serve for a term of 5 years. The
 9 governor may, after notice and hearing, remove a member for
 10 misconduct, incapacity, or neglect of duty.

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

13 Section 15. Section 2-15-1625, MCA, is amended to
 14 read:

15 "2-15-1625. Board of barbers. (1) There is a board of
 16 barbers.

17 (2) The board consists of three members appointed by
 18 the governor with the consent of the senate. Each member
 19 shall be a practicing barber who has been a barber in this
 20 state for at least 5 years immediately before his
 21 appointment.

22 (3) Each member shall serve for a term of 3 years. The
 23 governor may remove a member for cause.

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

1 Section 16. Section 2-15-1626, MCA, is amended to
 2 read:

3 "2-15-1626. Board of cosmetologists. (1) There is a
 4 board of cosmetologists.

5 (2) The board consists of three members who may be
 6 appointed by the governor with the consent of the senate
 7 from a list of six persons recommended by the Montana state
 8 hairdressers' association. Each member appointed shall have
 9 actively engaged in the profession of cosmetology for at
 10 least 5 years before his appointment and have been a
 11 resident of this state for at least 5 years immediately
 12 before his appointment. Each member shall be at least 18
 13 years old and a graduate of a high school or its equivalent.
 14 No two members of the board may be members of or affiliated
 15 with a school of cosmetology.

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

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

19 Section 17. Section 2-15-1627, MCA, is amended to
 20 read:

21 "2-15-1627. Board of massage therapists. (1) There is
 22 a board of massage therapists.

23 (2) The board consists of three members appointed by
 24 the governor with the consent of the senate. Each member
 25 shall be a resident of this state and shall have been a

1 masseur continuously in this state for at least 1 year. Each
2 member shall have integrity and ability as a masseur.

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

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

6 Section 18. Section 2-15-1628, MCA, is amended to
7 read:

8 "2-15-1628. Board of physical therapy examiners. (1)
9 There is a board of physical therapy examiners.

10 (2) The board consists of three members appointed by
11 the governor ~~with the consent of the senate~~, upon the
12 recommendation of the Montana chapter of the American
13 physical therapy association, for a term of 3 years.

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

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

25 (5) Ninety days prior to the end of the board member's

1 term of office a nominating committee comprised of members
2 and nonmembers of the Montana chapter of the American
3 physical therapy association shall submit to the governor a
4 list of individuals qualified to serve as a member of the
5 board. The list shall contain not less than three times the
6 number of candidates needed to fill the vacancies.

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

13 (7) No member may be appointed for more than two
14 consecutive terms.

15 (8) The governor may remove any board member for
16 negligence in performance of any duty required by law and
17 for incompetence or unprofessional or dishonorable conduct.

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

21 (10) The board shall provide for its organizational
22 structure by rule, which shall include a chairman,
23 vice-chairman, and secretary-treasurer.

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

1 Section 19. Section 2-15-1631, MCA, is amended to
2 read:

3 "2-15-1631. Board of sanitarians. (1) There is a board
4 of sanitarians.

5 (2) The board shall consist of three members appointed
6 by the governor ~~with the consent of the senate~~. Each member
7 shall be a resident of this state and a registered
8 sanitarian. Each member shall have a minimum of 3 years of
9 experience practicing as a sanitarian in the state of
10 Montana.

11 (3) Members shall serve for 3-year terms. One term
12 shall expire on July 1 of each year.

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

15 Section 20. Section 2-15-1652, MCA, is amended to
16 read:

17 "2-15-1652. Board of landscape architects. (1) There
18 is a board of landscape architects.

19 (2) The board consists of five members. Members of the
20 board shall be appointed by the governor ~~with the consent of~~
21 ~~the senate~~ and must be residents of this state. Three
22 members must be landscape architects licensed under Title
23 37, chapter 66. Two members must be representatives of the
24 public who are not engaged in the practice of landscape
25 architecture.

1 (3) The board is allocated to the department of
2 professional and occupational licensing for administrative
3 purposes only as prescribed in 2-15-121.

4 (4) Terms are for 4 years. Each member shall hold
5 office until the appointment and qualification of his
6 successor. Vacancies occurring prior to the expiration of
7 the term shall be filled in the same manner as original
8 appointments. No member may serve more than 8 consecutive
9 years."

10 Section 21. Section 2-15-1653, MCA, is amended to
11 read:

12 "2-15-1653. Board of professional engineers and land
13 surveyors. (1) There is a board of professional engineers
14 and land surveyors.

15 (2) The board consists of nine members appointed by
16 the governor ~~with the consent of the senate~~. The members
17 are:

18 (a) five professional engineers who have been engaged
19 in the practice of engineering for at least 12 years and who
20 have been in responsible charge of engineering teaching or
21 important engineering work for at least 5 years and
22 registered in Montana for at least 5 years. No more than
23 two of these members may be from the same branch of
24 engineering.

25 (b) two registered and practicing land surveyors who

1 have been engaged in the practice of land surveying for at
 2 least 12 years and who have been in responsible charge of
 3 land surveying or important land surveying work for at least
 4 5 years and registered in Montana for at least 5 years;

5 (c) two representatives of the public who are not
 6 engaged in or directly connected with the practice of
 7 engineering or land surveying.

8 (3) Each member shall be a citizen of the United
 9 States and a resident of this state. A member, after
 10 serving three consecutive terms, shall not be reappointed.

11 (4) Each member shall serve for a term of 4 years. The
 12 governor may remove a member for misconduct, incompetency,
 13 neglect of duty, or for any other sufficient cause.

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

16 Section 22. Section 2-15-1655, MCA, is amended to
 17 read:

18 "2-15-1655. Board of plumbers. (1) There is a board of
 19 plumbers.

20 (2) The board consists of nine members appointed by
 21 the governor with the consent of the senate. The members
 22 are:

23 (a) two master plumbers and two journeyman plumbers
 24 who are at least 18 years old, who have been residents of
 25 this state for more than 1 year, and who have been duly

1 licensed master or journeyman plumbers at least 5 out of the
 2 last 8 years immediately preceding their appointment;

3 (b) one registered professional engineer qualified in
 4 mechanical engineering;

5 (c) three representatives of the public who are not
 6 engaged in the business of installing or selling plumbing
 7 equipment;

8 (d) one appointed representative of the department of
 9 health and environmental sciences, who shall be a sanitary
 10 engineer and who is secretary of the board.

11 (3) The appointed members of the board shall serve for
 12 a term of 4 years.

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

15 Section 23. Section 2-15-1661, MCA, is amended to
 16 read:

17 "2-15-1661. Board of athletics. (1) There is a board
 18 of athletics.

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

21 (3) Each member shall serve for a term of 3 years.

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

24 Section 24. Section 2-15-1706, MCA, is amended to
 25 read:

1 "2-15-1706. Commission for human rights -- allocation
2 --quasi-judicial. (1) There is a commission for human
3 rights.

4 (2) The commission consists of five members appointed
5 by the governor ~~with the consent of the senate.~~

6 (3) The commission is designated as a quasi-judicial
7 board for the purposes of 2-15-124.

8 (4) The commission is allocated to the department of
9 labor and industry for administrative purposes only as
10 provided in 2-15-121, except that the commission may hire
11 its own personnel, may seek and receive private and federal
12 funds in its own name, and may determine all matters of
13 policy concerning the use of its budget. Subsection (2)(d)
14 of 2-15-121 shall not apply for purposes of this section."

15 Section 25. Section 2-15-2202, MCA, is amended to
16 read:

17 "2-15-2202. Board of veterans' affairs. (1) There is a
18 board of veterans' affairs.

19 (2) The board consists of five members appointed by
20 the governor ~~with the consent of the senate.~~ Not more than
21 one member shall be appointed from a single county.
22 However, a change of residence within the state after
23 appointment does not alter a member's status. All members
24 shall be residents of this state and shall have been
25 honorably discharged from service in the military forces of

1 the United States in any of its wars. A vacancy occurring on
2 the board shall be filled by the governor, subject to the
3 conditions of this subsection.

4 (3) Each member shall serve for a term of 5 years.

5 (4) The board is allocated to the department for
6 administrative purposes only as prescribed in 2-15-121.
7 However, the board may hire its own personnel, and
8 2-15-121(2)(d) does not apply."

-End-

Approved by Committee
on State Administration

1 *Senate* BILL NO. *424*
2 INTRODUCED BY *Steve Brown*

3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR SENATE
6 CONFIRMATION OF MEMBERS OF THE BOARDS OF COUNTY PRINTING,
7 DENTISTRY, OSTEOPATHIC PHYSICIANS, PODIATRY EXAMINERS,
8 PHARMACISTS, NURSING, NURSING HOME ADMINISTRATORS,
9 OPTOMETRISTS, CHIROPRACTORS, RADIOLOGIC TECHNOLOGISTS,
10 SPEECH PATHOLOGISTS AND AUDIOLOGISTS, HEARING AID
11 DISPENSERS, PSYCHOLOGISTS, VETERINARIANS, BARBERS,
12 COSMETOLOGISTS, MASSAGE THERAPISTS, PHYSICAL THERAPY
13 EXAMINERS, SANITARIANS, LANDSCAPE ARCHITECTS, PROFESSIONAL
14 ENGINEERS AND LAND SURVEYORS, PLUMBERS, ATHLETICS, AND
15 VETERANS' AFFAIRS, AND THE COMMISSION FOR HUMAN RIGHTS;
16 AMENDING SECTIONS 2-15-1102, 2-15-1606 THROUGH 2-15-1618,
17 2-15-1625 THROUGH 2-15-1628, 2-15-1631, 2-15-1652,
18 2-15-1653, 2-15-1655, 2-15-1661, 2-15-1706, AND 2-15-2202,
19 MCA."

20
21 WHEREAS, the Legislative Audit Committee has completed
22 its review of regulatory and licensing boards under the
23 first two sunset cycles; and

24 WHEREAS, it was noted that appointments to many
25 regulatory and licensing boards are not subject to Senate

1 confirmation; and

2 WHEREAS, Senate confirmation provides an opportunity
3 for input to the appointment process by members of the
4 regulated trade, profession, or industry and by the public,
5 which is in the public interest.

6 THEREFORE, it is the intent of this act to provide for
7 Senate confirmation of members of regulatory and licensing
8 boards not presently requiring Senate confirmation.

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 2-15-1102, MCA, is amended to read:

12 "2-15-1102. Board of county printing -- composition --
13 allocation -- compensation. (1) There is a board of county
14 printing.

15 (2) The board consists of five members appointed by
16 the governor with the consent of the senate for terms of 2
17 years.

18 (3) The members are:

- 19 (a) two members of the printing industry;
- 20 (b) two county commissioners;
- 21 (c) one member of the general public.

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

24 (5) The members of the board shall be compensated and
25 reimbursed as are members of advisory councils in 2-15-122."

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

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

4 (2) The board consists of five dentists and one dental
5 hygienist, all appointed by the governor with the consent of
6 the senate. The Montana dental association and the Montana
7 dental hygienists' association shall each present to the
8 governor, within 15 days after its regular annual meeting, a
9 list of not less than five candidates from which
10 appointments for vacancies on the board occurring during the
11 ensuing year may be made. At all times at least three
12 members of the board shall be appointed from the list of
13 candidates submitted by the Montana dental association and
14 one member shall be appointed from the list submitted by the
15 Montana dental hygienists' association. Each member shall be
16 licensed to practice a dental profession in this state,
17 shall have actively practiced in this state for at least 5
18 continuous years immediately before his appointment, and
19 shall be actively engaged in practice while serving on the
20 board. Each member shall be a citizen of the United States
21 and a resident of this state.

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

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

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

3 Section 3. Section 2-15-1607, MCA, is amended to read:

4 *2-15-1607. Board of osteopathic physicians. (1) There
5 is a board of osteopathic physicians.

6 (2) The board consists of three members appointed by
7 the governor with the consent of the senate. Each member
8 shall be a qualified practicing resident osteopath and a
9 graduate of a legally authorized school of osteopathy.

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

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

13 Section 4. 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 podiatrists appointed by the governor with the
18 consent of the senate to 3-year terms, selected from a list
19 of six podiatrists submitted by the Montana association of
20 podiatrists. The members shall be residents of this state
21 who have engaged in the active practice of podiatry in this
22 state for at least 2 years and are of high integrity and
23 ability. The governor shall fill a vacancy on the board from
24 the same list of podiatrists.

25 (3) The board is allocated to the department for

1 administrative purposes only as prescribed in 2-15-121."

2 Section 5. Section 2-15-1609, MCA, is amended to read:

3 "2-15-1609. Board of pharmacists. (1) There is a board
4 of pharmacists.

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

22 (3) Each member shall serve for a term of 3 years. A
23 member shall be removed from office by the governor on proof
24 of malfeasance or misfeasance in office, after reasonable
25 notice of charges against him and after a hearing.

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

3 Section 6. Section 2-15-1610, MCA, is amended to read:

4 "2-15-1610. Board of nursing. (1) There is a board of
5 nursing.

6 (2) The board consists of eight members appointed by
7 the governor ~~with the consent of the senate~~. The members
8 are:

9 (a) five registered professional nurses who constitute
10 the board--professional nursing administration. At least
11 three members shall have had at least 3 years in
12 administrative, teaching, or supervisory experience in
13 schools of nursing. Each member shall:

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

15 (ii) be a licensed nurse in this state;

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

18 (iv) have been actively engaged in nursing for at least
19 3 years immediately before appointment.

20 (b) three practical nurses who constitute the
21 board--practical nursing administration. Each member shall:

22 (i) be a graduate of a school of practical nursing;

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

24 (iii) have had at least 3 years' experience as a
25 practical nurse; and

1 (iv) have been actively engaged in the practice of
2 practical nursing for at least 2 years immediately before
3 appointment.

4 (3) All members shall have been residents of this
5 state for at least 1 year before appointment and be citizens
6 of the United States.

7 (4) All members shall serve for a term of 5 years, and
8 a member may not be appointed for more than two consecutive
9 terms. The governor may remove a member from the board for
10 neglect of a duty required by law or for incompetency or
11 unprofessional or dishonorable conduct.

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

14 Section 7. Section 2-15-1611, MCA, is amended to read:
15 "2-15-1611. Board of nursing home administrators. (1)
16 There is a board of nursing home administrators.

17 (2) The board consists of five voting members
18 appointed by the governor ~~with the consent of the senate~~. No
19 more than two members shall be nursing home administrators.
20 One member shall represent the public at large and must be
21 55 years of age or older at the time of appointment. The
22 other two members shall be representatives of professions or
23 institutions concerned with the care of chronically ill and
24 infirm aged patients and may not be from the same profession
25 or have a financial interest in a nursing home.

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

5 (4) The appointee representing the public at large
6 shall be selected by the governor. The remaining appointees
7 shall be selected from a list of three nominees submitted
8 for each appointee by the board of directors of the Montana
9 nursing home association, inc.

10 (5) Each appointed member shall serve for a term of 5
11 years. Any vacancy occurring in the position of an
12 appointive member shall be filled by the governor for the
13 unexpired term in the same manner provided for in subsection
14 (4).

15 (6) Appointive members may be removed by the governor
16 only for cause.

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

19 Section 8. Section 2-15-1612, MCA, is amended to read:
20 "2-15-1612. Board of optometrists. (1) There is a
21 board of optometrists.

22 (2) The board consists of four members appointed by
23 the governor ~~with the consent of the senate~~. Three members
24 must be registered optometrists of this state and actually
25 engaged in the exclusive practice of optometry in this state

1 during their terms of office. One member must be a
2 representative of the public who is not engaged in the
3 practice of optometry.

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

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

7 Section 9. Section 2-15-1613, MCA, is amended to read:

8 "2-15-1613. Board of chiropractors. (1) There is a
9 board of chiropractors.

10 (2) The board consists of three members appointed by
11 the governor ~~with the consent of the senate~~. The members
12 shall be practicing chiropractors of integrity and ability
13 who shall be residents of this state and who have practiced
14 chiropractic continuously in this state for at least 1 year.
15 No two members shall be graduates of the same school or
16 college of chiropractic.

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

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

23 Section 10. Section 2-15-1614, MCA, is amended to
24 read:

25 "2-15-1614. Board of radiologic technologists. (1)

1 There is a board of radiologic technologists.

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

4 (a) two members shall be radiologists licensed to
5 practice medicine in Montana;

6 (b) one member shall be a physician licensed to
7 practice medicine in Montana;

8 (c) one member shall be a chiropractor licensed to
9 practice in Montana; and

10 (d) three members shall be radiologic technologists
11 registered with the American registry of radiologic
12 technologists (ARRT) who, with the exception of the first
13 appointed members, are licensed radiologic technologists.

14 (3) Vacancies in unexpired terms shall be filled for
15 the remainder of the term.

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

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

19 Section 11. Section 2-15-1615, MCA, is amended to
20 read:

21 "2-15-1615. Board of speech pathologists and
22 audiologists. (1) There is a board of speech pathologists
23 and audiologists.

24 (2) The board consists of five members, four of whom
25 shall:

1 (a) be appointed by the governor ~~with the consent of~~
2 ~~the senate~~ from names submitted to him by the Montana speech
3 and hearing association;

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

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

10 (3) At least two members of the board shall be speech
11 pathologists and at least two shall be audiologists, with
12 the remaining member to be a public member, ~~appointed by the~~
13 ~~governor with the consent of the senate~~, who is a consumer
14 of speech pathology or audiology services and who is not a
15 licentiate of the board or of any other board within the
16 department. All board members, except the public member,
17 shall at all times be validly licensed in speech pathology
18 or audiology.

19 (4) Not less than 60 days before the end of each
20 calendar year, the association shall recommend at least
21 three and not more than five persons for each vacancy
22 occurring at the end of the calendar year. In the event of
23 a vacancy for an unexpired term, the association shall
24 expeditiously recommend at least two and not more than three
25 persons to fill the vacancy and the governor shall appoint

1 one of those persons to fill the unexpired term.

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

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

8 Section 12. Section 2-15-1616, MCA, is amended to
9 read:

10 *2-15-1616. Board of hearing aid dispensers. (1) There
11 is a board of hearing aid dispensers.

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

15 (a) one member appointed from a list submitted by the
16 Montana academy of oto-ophthalmology. This member shall hold
17 or be eligible for a certificate of qualification from the
18 American board of otolaryngology.

19 (b) one member appointed from a list submitted by the
20 Montana speech and hearing association. This member shall
21 hold or be eligible for a certificate of clinical competence
22 in audiology from the American speech and hearing
23 association.

24 (c) three members appointed from a list submitted by
25 the Montana hearing aid dealers' society. These members

1 shall have been qualified dispensers and fitters of hearing
2 aids for at least 5 years before their appointment to the
3 board.

4 (d) one alternate member shall be appointed from each
5 of the three lists to serve when a regular member cannot
6 attend a scheduled meeting.

7 (3) Each member shall serve for a term of 3 years. A
8 member may not be reappointed within 1 year after the
9 expiration of his second consecutive full term. If a vacancy
10 occurs on the board, the governor shall appoint a person
11 from the same list as the member whose term was not
12 completed.

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

15 Section 13. Section 2-15-1617, MCA, is amended to
16 read:

17 "2-15-1617. Board of psychologists. (1) There is a
18 board of psychologists.

19 (2) The board consists of three members appointed by
20 the governor ~~with the consent of the senate~~. The governor
21 shall appoint all members, including a member filling a
22 vacancy for an unexpired term, from the list of licensed
23 psychologists in this state. A member may not succeed
24 himself but may be reappointed after 3 years following the
25 termination of his previous appointment. Each member shall

1 be a citizen of the United States and a resident of this
2 state.

3 (3) Each member shall serve for a term of 3 years."

4 Section 14. Section 2-15-1618, MCA, is amended to
5 read:

6 "2-15-1618. Board of veterinarians. (1) There is a
7 board of veterinarians.

8 (2) The board consists of six members appointed by the
9 governor ~~with the consent of the senate~~, five of whom shall
10 be licensed veterinarians and one of whom shall be a public
11 member who is a consumer of veterinary services and who
12 shall not be a licentiate of the board or of any other board
13 under the department of professional and occupational
14 licensing.

15 (3) The Montana state veterinary medical association
16 shall, at each annual meeting, nominate twice the number of
17 veterinarian board members to be appointed that year. The
18 names of these nominees shall be annually transmitted, under
19 seal, to the governor before July 1. The governor shall,
20 before August 1, appoint from this list the board members to
21 fill the vacancies that will occur July 31. If no nominee
22 has the required qualifications to be on the board, the
23 governor may appoint any licensed and registered
24 veterinarian.

25 (4) Each veterinarian member shall be a reputable

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

8 (5) Each member shall serve for a term of 5 years. The
 9 governor may, after notice and hearing, remove a member for
 10 misconduct, incapacity, or neglect of duty.

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

13 Section 15. Section 2-15-1625, MCA, is amended to
 14 read:

15 "2-15-1625. Board of barbers. (1) There is a board of
 16 barbers.

17 (2) The board consists of three members appointed by
 18 the governor with the consent of the senate. Each member
 19 shall be a practicing barber who has been a barber in this
 20 state for at least 5 years immediately before his
 21 appointment.

22 (3) Each member shall serve for a term of 3 years. The
 23 governor may remove a member for cause.

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

1 Section 16. Section 2-15-1626, MCA, is amended to
 2 read:

3 "2-15-1626. Board of cosmetologists. (1) There is a
 4 board of cosmetologists.

5 (2) The board consists of three members who may be
 6 appointed by the governor with the consent of the senate
 7 from a list of six persons recommended by the Montana state
 8 hairdressers' association. Each member appointed shall have
 9 actively engaged in the profession of cosmetology for at
 10 least 5 years before his appointment and have been a
 11 resident of this state for at least 5 years immediately
 12 before his appointment. Each member shall be at least 18
 13 years old and a graduate of a high school or its equivalent.
 14 No two members of the board may be members of or affiliated
 15 with a school of cosmetology.

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

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

19 Section 17. Section 2-15-1627, MCA, is amended to
 20 read:

21 "2-15-1627. Board of massage therapists. (1) There is
 22 a board of massage therapists.

23 (2) The board consists of three members appointed by
 24 the governor with the consent of the senate. Each member
 25 shall be a resident of this state and shall have been a

1 masseur continuously in this state for at least 1 year. Each
2 member shall have integrity and ability as a masseur.

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

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

6 Section 18. Section 2-15-1628, MCA, is amended to
7 read:

8 "2-15-1628. Board of physical therapy examiners. (1)
9 There is a board of physical therapy examiners.

10 (2) The board consists of three members appointed by
11 the governor ~~with the consent of the senate~~, upon the
12 recommendation of the Montana chapter of the American
13 physical therapy association, for a term of 3 years.

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

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

25 (5) Ninety days prior to the end of the board member's

1 term of office a nominating committee comprised of members
2 and nonmembers of the Montana chapter of the American
3 physical therapy association shall submit to the governor a
4 list of individuals qualified to serve as a member of the
5 board. The list shall contain not less than three times the
6 number of candidates needed to fill the vacancies.

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

13 (7) No member may be appointed for more than two
14 consecutive terms.

15 (8) The governor may remove any board member for
16 negligence in performance of any duty required by law and
17 for incompetence or unprofessional or dishonorable conduct.

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

21 (10) The board shall provide for its organizational
22 structure by rule, which shall include a chairman,
23 vice-chairman, and secretary-treasurer.

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

1 Section 19. Section 2-15-1631, MCA, is amended to
2 read:

3 "2-15-1631. Board of sanitarians. (1) There is a board
4 of sanitarians.

5 (2) The board shall consist of three members appointed
6 by the governor ~~with the consent of the senate~~. Each member
7 shall be a resident of this state and a registered
8 sanitarian. Each member shall have a minimum of 3 years of
9 experience practicing as a sanitarian in the state of
10 Montana.

11 (3) Members shall serve for 3-year terms. One term
12 shall expire on July 1 of each year.

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

15 Section 20. Section 2-15-1652, MCA, is amended to
16 read:

17 "2-15-1652. Board of landscape architects. (1) There
18 is a board of landscape architects.

19 (2) The board consists of five members. Members of the
20 board shall be appointed by the governor ~~with the consent of~~
21 ~~the senate~~ and must be residents of this state. Three
22 members must be landscape architects licensed under Title
23 37, chapter 66. Two members must be representatives of the
24 public who are not engaged in the practice of landscape
25 architecture.

1 (3) The board is allocated to the department of
2 professional and occupational licensing for administrative
3 purposes only as prescribed in 2-15-121.

4 (4) Terms are for 4 years. Each member shall hold
5 office until the appointment and qualification of his
6 successor. Vacancies occurring prior to the expiration of
7 the term shall be filled in the same manner as original
8 appointments. No member may serve more than 8 consecutive
9 years."

10 Section 21. Section 2-15-1653, MCA, is amended to
11 read:

12 "2-15-1653. Board of professional engineers and land
13 surveyors. (1) There is a board of professional engineers
14 and land surveyors.

15 (2) The board consists of nine members appointed by
16 the governor ~~with the consent of the senate~~. The members
17 are:

18 (a) five professional engineers who have been engaged
19 in the practice of engineering for at least 12 years and who
20 have been in responsible charge of engineering teaching or
21 important engineering work for at least 5 years and
22 registered in Montana for at least 5 years. No more than
23 two of these members may be from the same branch of
24 engineering.

25 (b) two registered and practicing land surveyors who

1 have been engaged in the practice of land surveying for at
 2 least 12 years and who have been in responsible charge of
 3 land surveying or important land surveying work for at least
 4 5 years and registered in Montana for at least 5 years;

5 (c) two representatives of the public who are not
 6 engaged in or directly connected with the practice of
 7 engineering or land surveying.

8 (3) Each member shall be a citizen of the United
 9 States and a resident of this state. A member, after
 10 serving three consecutive terms, shall not be reappointed.

11 (4) Each member shall serve for a term of 4 years. The
 12 governor may remove a member for misconduct, incompetency,
 13 neglect of duty, or for any other sufficient cause.

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

16 Section 22. Section 2-15-1655, MCA, is amended to
 17 read:

18 "2-15-1655. Board of plumbers. (1) There is a board of
 19 plumbers.

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

23 (a) two master plumbers and two journeyman plumbers
 24 who are at least 18 years old, who have been residents of
 25 this state for more than 1 year, and who have been duly

1 licensed master or journeyman plumbers at least 5 out of the
 2 last 8 years immediately preceding their appointment;

3 (b) one registered professional engineer qualified in
 4 mechanical engineering;

5 (c) three representatives of the public who are not
 6 engaged in the business of installing or selling plumbing
 7 equipment;

8 (d) one appointed representative of the department of
 9 health and environmental sciences, who shall be a sanitary
 10 engineer and who is secretary of the board.

11 (3) The appointed members of the board shall serve for
 12 a term of 4 years.

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

15 Section 23. Section 2-15-1661, MCA, is amended to
 16 read:

17 "2-15-1661. Board of athletics. (1) There is a board
 18 of athletics.

19 (2) The board consists of three members appointed by
 20 the governor ~~with the consent of the senate~~.

21 (3) Each member shall serve for a term of 3 years.

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

24 Section 24. Section 2-15-1706, MCA, is amended to
 25 read:

1 "2-15-1706. Commission for human rights -- allocation
2 --quasi-judicial. (1) There is a commission for human
3 rights.

4 (2) The commission consists of five members appointed
5 by the governor ~~with the consent of the senate.~~

6 (3) The commission is designated as a quasi-judicial
7 board for the purposes of 2-15-124.

8 (4) The commission is allocated to the department of
9 labor and industry for administrative purposes only as
10 provided in 2-15-121, except that the commission may hire
11 its own personnel, may seek and receive private and federal
12 funds in its own name, and may determine all matters of
13 policy concerning the use of its budget. Subsection (2)(d)
14 of 2-15-121 shall not apply for purposes of this section."

15 Section 25. Section 2-15-2202, MCA, is amended to
16 read:

17 "2-15-2202. Board of veterans' affairs. (1) There is a
18 board of veterans' affairs.

19 (2) The board consists of five members appointed by
20 the governor ~~with the consent of the senate.~~ Not more than
21 one member shall be appointed from a single county.
22 However, a change of residence within the state after
23 appointment does not alter a member's status. All members
24 shall be residents of this state and shall have been
25 honorably discharged from service in the military forces of

1 the United States in any of its wars. A vacancy occurring on
2 the board shall be filled by the governor, subject to the
3 conditions of this subsection.

4 (3) Each member shall serve for a term of 5 years.

5 (4) The board is allocated to the department for
6 administrative purposes only as prescribed in 2-15-121.
7 However, the board may hire its own personnel, and
8 2-15-121(2)(d) does not apply."

-End-

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Senate BILL NO. *424*
Steve Brown

INTRODUCED BY _____
BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR SENATE
CONFIRMATION OF MEMBERS OF THE BOARDS OF COUNTY PRINTING,
DENTISTRY, OSTEOPATHIC PHYSICIANS, PODIATRY EXAMINERS,
PHARMACISTS, NURSING, NURSING HOME ADMINISTRATORS,
OPTOMETRISTS, CHIROPRACTORS, RADIOLOGIC TECHNOLOGISTS,
SPEECH PATHOLOGISTS AND AUDIOLOGISTS, HEARING AID
DISPENSERS, PSYCHOLOGISTS, VETERINARIANS, BARBERS,
COSMETOLOGISTS, MASSAGE THERAPISTS, PHYSICAL THERAPY
EXAMINERS, SANITARIANS, LANDSCAPE ARCHITECTS, PROFESSIONAL
ENGINEERS AND LAND SURVEYORS, PLUMBERS, ATHLETICS, AND
VETERANS' AFFAIRS, AND THE COMMISSION FOR HUMAN RIGHTS;
AMENDING SECTIONS 2-15-1102, 2-15-1606 THROUGH 2-15-1618,
2-15-1625 THROUGH 2-15-1628, 2-15-1631, 2-15-1652,
2-15-1653, 2-15-1655, 2-15-1661, 2-15-1706, AND 2-15-2202,
MCA."

WHEREAS, the Legislative Audit Committee has completed
its review of regulatory and licensing boards under the
first two sunset cycles; and

WHEREAS, it was noted that appointments to many
regulatory and licensing boards are not subject to Senate

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confirmation; and
WHEREAS, Senate confirmation provides an opportunity
for input to the appointment process by members of the
regulated trade, profession, or industry and by the public,
which is in the public interest.

THEREFORE, it is the intent of this act to provide for
Senate confirmation of members of regulatory and licensing
boards not presently requiring Senate confirmation.

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

Section 1. Section 2-15-1102, MCA, is amended to read:

"2-15-1102. Board of county printing -- composition --
allocation -- compensation. (1) There is a board of county
printing.

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

(3) The members are:
(a) two members of the printing industry;
(b) two county commissioners;
(c) one member of the general public.

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

(5) The members of the board shall be compensated and
reimbursed as are members of advisory councils in 2-15-122."

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

2 "2-15-1606. Board of dentistry. (1) There is a board
3 of dentistry.

4 (2) The board consists of five dentists and one dental
5 hygienist, all appointed by the governor ~~with the consent of~~
6 ~~the senate~~. The Montana dental association and the Montana
7 dental hygienists' association shall each present to the
8 governor, within 15 days after its regular annual meeting, a
9 list of not less than five candidates from which
10 appointments for vacancies on the board occurring during the
11 ensuing year may be made. At all times at least three
12 members of the board shall be appointed from the list of
13 candidates submitted by the Montana dental association and
14 one member shall be appointed from the list submitted by the
15 Montana dental hygienists' association. Each member shall be
16 licensed to practice a dental profession in this state,
17 shall have actively practiced in this state for at least 5
18 continuous years immediately before his appointment, and
19 shall be actively engaged in practice while serving on the
20 board. Each member shall be a citizen of the United States
21 and a resident of this state.

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

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

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

3 Section 3. Section 2-15-1607, MCA, is amended to read:
4 "2-15-1607. Board of osteopathic physicians. (1) There
5 is a board of osteopathic physicians.

6 (2) The board consists of three members appointed by
7 the governor ~~with the consent of the senate~~. Each member
8 shall be a qualified practicing resident osteopath and a
9 graduate of a legally authorized school of osteopathy.

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

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

13 Section 4. 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 podiatrists appointed by the governor ~~with the~~
18 ~~consent of the senate~~ to 3-year terms, selected from a list
19 of six podiatrists submitted by the Montana association of
20 podiatrists. The members shall be residents of this state
21 who have engaged in the active practice of podiatry in this
22 state for at least 2 years and are of high integrity and
23 ability. The governor shall fill a vacancy on the board from
24 the same list of podiatrists.

25 (3) The board is allocated to the department for

1 administrative purposes only as prescribed in 2-15-121."

2 Section 5. Section 2-15-1609, MCA, is amended to read:

3 "2-15-1609. Board of pharmacists. (1) There is a board
4 of pharmacists.

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

22 (3) Each member shall serve for a term of 3 years. A
23 member shall be removed from office by the governor on proof
24 of malfeasance or misfeasance in office, after reasonable
25 notice of charges against him and after a hearing.

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

3 Section 6. Section 2-15-1610, MCA, is amended to read:

4 "2-15-1610. Board of nursing. (1) There is a board of
5 nursing.

6 (2) The board consists of eight members appointed by
7 the governor ~~with the consent of the senate~~. The members
8 are:

9 (a) five registered professional nurses who constitute
10 the board--professional nursing administration. At least
11 three members shall have had at least 3 years in
12 administrative, teaching, or supervisory experience in
13 schools of nursing. Each member shall:

14 (i) be a graduate of an approved school of nursing;
15 (ii) be a licensed nurse in this state;
16 (iii) have had at least 5 years' experience in nursing
17 following graduation; and

18 (iv) have been actively engaged in nursing for at least
19 3 years immediately before appointment.

20 (b) three practical nurses who constitute the
21 board--practical nursing administration. Each member shall:

22 (i) be a graduate of a school of practical nursing;
23 (ii) be a licensed practical nurse in this state;
24 (iii) have had at least 3 years' experience as a
25 practical nurse; and

1 (iv) have been actively engaged in the practice of
2 practical nursing for at least 2 years immediately before
3 appointment.

4 (3) All members shall have been residents of this
5 state for at least 1 year before appointment and be citizens
6 of the United States.

7 (4) All members shall serve for a term of 5 years, and
8 a member may not be appointed for more than two consecutive
9 terms. The governor may remove a member from the board for
10 neglect of a duty required by law or for incompetency or
11 unprofessional or dishonorable conduct.

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

14 Section 7. Section 2-15-1611, MCA, is amended to read:

15 "2-15-1611. Board of nursing home administrators. (1)
16 There is a board of nursing home administrators.

17 (2) The board consists of five voting members
18 appointed by the governor ~~with the consent of the senate~~. No
19 more than two members shall be nursing home administrators.
20 One member shall represent the public at large and must be
21 55 years of age or older at the time of appointment. The
22 other two members shall be representatives of professions or
23 institutions concerned with the care of chronically ill and
24 infirm aged patients and may not be from the same profession
25 or have a financial interest in a nursing home.

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

5 (4) The appointee representing the public at large
6 shall be selected by the governor. The remaining appointees
7 shall be selected from a list of three nominees submitted
8 for each appointee by the board of directors of the Montana
9 nursing home association, inc.

10 (5) Each appointed member shall serve for a term of 5
11 years. Any vacancy occurring in the position of an
12 appointive member shall be filled by the governor for the
13 unexpired term in the same manner provided for in subsection
14 (4).

15 (6) Appointive members may be removed by the governor
16 only for cause.

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

19 Section 8. Section 2-15-1612, MCA, is amended to read:

20 "2-15-1612. Board of optometrists. (1) There is a
21 board of optometrists.

22 (2) The board consists of four members appointed by
23 the governor ~~with the consent of the senate~~. Three members
24 must be registered optometrists of this state and actually
25 engaged in the exclusive practice of optometry in this state

1 during their terms of office. One member must be a
2 representative of the public who is not engaged in the
3 practice of optometry.

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

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

7 Section 9. Section 2-15-1613, MCA, is amended to read:

8 "2-15-1613. Board of chiropractors. (1) There is a
9 board of chiropractors.

10 (2) The board consists of three members appointed by
11 the governor with the consent of the senate. The members
12 shall be practicing chiropractors of integrity and ability
13 who shall be residents of this state and who have practiced
14 chiropractic continuously in this state for at least 1 year.
15 No two members shall be graduates of the same school or
16 college of chiropractic.

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

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

23 Section 10. Section 2-15-1614, MCA, is amended to
24 read:

25 "2-15-1614. Board of radiologic technologists. (1)

1 There is a board of radiologic technologists.

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

4 (a) two members shall be radiologists licensed to
5 practice medicine in Montana;

6 (b) one member shall be a physician licensed to
7 practice medicine in Montana;

8 (c) one member shall be a chiropractor licensed to
9 practice in Montana; and

10 (d) three members shall be radiologic technologists
11 registered with the American registry of radiologic
12 technologists (ARRT) who, with the exception of the first
13 appointed members, are licensed radiologic technologists.

14 (3) Vacancies in unexpired terms shall be filled for
15 the remainder of the term.

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

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

19 Section 11. Section 2-15-1615, MCA, is amended to
20 read:

21 "2-15-1615. Board of speech pathologists and
22 audiologists. (1) There is a board of speech pathologists
23 and audiologists.

24 (2) The board consists of five members, four of whom
25 shall:

1 (a) be appointed by the governor with the consent of
 2 the senate from names submitted to him by the Montana speech
 3 and hearing association;

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

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

10 (3) At least two members of the board shall be speech
 11 pathologists and at least two shall be audiologists, with
 12 the remaining member to be a public member, appointed by the
 13 governor with the consent of the senate, who is a consumer
 14 of speech pathology or audiology services and who is not a
 15 licentiate of the board or of any other board within the
 16 department. All board members, except the public member,
 17 shall at all times be validly licensed in speech pathology
 18 or audiology.

19 (4) Not less than 60 days before the end of each
 20 calendar year, the association shall recommend at least
 21 three and not more than five persons for each vacancy
 22 occurring at the end of the calendar year. In the event of
 23 a vacancy for an unexpired term, the association shall
 24 expeditiously recommend at least two and not more than three
 25 persons to fill the vacancy and the governor shall appoint

1 one of those persons to fill the unexpired term.

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

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

8 Section 12. Section 2-15-1616, MCA, is amended to
 9 read:

10 "2-15-1616. Board of hearing aid dispensers. (1) There
 11 is a board of hearing aid dispensers.

12 (2) The board consists of five members appointed by
 13 the governor with the consent of the senate. The members
 14 are:

15 (a) one member appointed from a list submitted by the
 16 Montana academy of oto-ophthalmology. This member shall hold
 17 or be eligible for a certificate of qualification from the
 18 American board of otolaryngology.

19 (b) one member appointed from a list submitted by the
 20 Montana speech and hearing association. This member shall
 21 hold or be eligible for a certificate of clinical competence
 22 in audiology from the American speech and hearing
 23 association.

24 (c) three members appointed from a list submitted by
 25 the Montana hearing aid dealers' society. These members

1 shall have been qualified dispensers and fitters of hearing
2 aids for at least 5 years before their appointment to the
3 board.

4 (d) one alternate member shall be appointed from each
5 of the three lists to serve when a regular member cannot
6 attend a scheduled meeting.

7 (3) Each member shall serve for a term of 3 years. A
8 member may not be reappointed within 1 year after the
9 expiration of his second consecutive full term. If a vacancy
10 occurs on the board, the governor shall appoint a person
11 from the same list as the member whose term was not
12 completed.

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

15 Section 13. Section 2-15-1617, MCA, is amended to
16 read:

17 "2-15-1617. Board of psychologists. (1) There is a
18 board of psychologists.

19 (2) The board consists of three members appointed by
20 the governor with the consent of the senate. The governor
21 shall appoint all members, including a member filling a
22 vacancy for an unexpired term, from the list of licensed
23 psychologists in this state. A member may not succeed
24 himself but may be reappointed after 3 years following the
25 termination of his previous appointment. Each member shall

1 be a citizen of the United States and a resident of this
2 state.

3 (3) Each member shall serve for a term of 3 years."

4 Section 14. Section 2-15-1618, MCA, is amended to
5 read:

6 "2-15-1618. Board of veterinarians. (1) There is a
7 board of veterinarians.

8 (2) The board consists of six members appointed by the
9 governor with the consent of the senate, five of whom shall
10 be licensed veterinarians and one of whom shall be a public
11 member who is a consumer of veterinary services and who
12 shall not be a licentiate of the board or of any other board
13 under the department of professional and occupational
14 licensing.

15 (3) The Montana state veterinary medical association
16 shall, at each annual meeting, nominate twice the number of
17 veterinarian board members to be appointed that year. The
18 names of these nominees shall be annually transmitted, under
19 seal, to the governor before July 1. The governor shall,
20 before August 1, appoint from this list the board members to
21 fill the vacancies that will occur July 31. If no nominee
22 has the required qualifications to be on the board, the
23 governor may appoint any licensed and registered
24 veterinarian.

25 (4) Each veterinarian member shall be a reputable

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

8 (5) Each member shall serve for a term of 5 years. The
 9 governor may, after notice and hearing, remove a member for
 10 misconduct, incapacity, or neglect of duty.

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

13 Section 15. Section 2-15-1625, MCA, is amended to
 14 read:

15 "2-15-1625. Board of barbers. (1) There is a board of
 16 barbers.

17 (2) The board consists of three members appointed by
 18 the governor with the consent of the senate. Each member
 19 shall be a practicing barber who has been a barber in this
 20 state for at least 5 years immediately before his
 21 appointment.

22 (3) Each member shall serve for a term of 3 years. The
 23 governor may remove a member for cause.

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

1 Section 16. Section 2-15-1626, MCA, is amended to
 2 read:

3 "2-15-1626. Board of cosmetologists. (1) There is a
 4 board of cosmetologists.

5 (2) The board consists of three members who may be
 6 appointed by the governor with the consent of the senate
 7 from a list of six persons recommended by the Montana state
 8 hairdressers' association. Each member appointed shall have
 9 actively engaged in the profession of cosmetology for at
 10 least 5 years before his appointment and have been a
 11 resident of this state for at least 5 years immediately
 12 before his appointment. Each member shall be at least 18
 13 years old and a graduate of a high school or its equivalent.
 14 No two members of the board may be members of or affiliated
 15 with a school of cosmetology.

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

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

19 Section 17. Section 2-15-1627, MCA, is amended to
 20 read:

21 "2-15-1627. Board of massage therapists. (1) There is
 22 a board of massage therapists.

23 (2) The board consists of three members appointed by
 24 the governor with the consent of the senate. Each member
 25 shall be a resident of this state and shall have been a

1 masseur continuously in this state for at least 1 year. Each
2 member shall have integrity and ability as a masseur.

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

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

6 Section 18. Section 2-15-1628, MCA, is amended to
7 read:

8 "2-15-1628. Board of physical therapy examiners. (1)

9 There is a board of physical therapy examiners.

10 (2) The board consists of three members appointed by
11 the governor ~~with the consent of the senate~~, upon the
12 recommendation of the Montana chapter of the American
13 physical therapy association, for a term of 3 years.

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

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

25 (5) Ninety days prior to the end of the board member's

1 term of office a nominating committee comprised of members
2 and nonmembers of the Montana chapter of the American
3 physical therapy association shall submit to the governor a
4 list of individuals qualified to serve as a member of the
5 board. The list shall contain not less than three times the
6 number of candidates needed to fill the vacancies.

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

13 (7) No member may be appointed for more than two
14 consecutive terms.

15 (8) The governor may remove any board member for
16 negligence in performance of any duty required by law and
17 for incompetence or unprofessional or dishonorable conduct.

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

21 (10) The board shall provide for its organizational
22 structure by rule, which shall include a chairman,
23 vice-chairman, and secretary-treasurer.

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

1 Section 19. Section 2-15-1631, MCA, is amended to
2 read:

3 "2-15-1631. Board of sanitarians. (1) There is a board
4 of sanitarians.

5 (2) The board shall consist of three members appointed
6 by the governor ~~with the consent of the senate~~. Each member
7 shall be a resident of this state and a registered
8 sanitarian. Each member shall have a minimum of 3 years of
9 experience practicing as a sanitarian in the state of
10 Montana.

11 (3) Members shall serve for 3-year terms. One term
12 shall expire on July 1 of each year.

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

15 Section 20. Section 2-15-1652, MCA, is amended to
16 read:

17 "2-15-1652. Board of landscape architects. (1) There
18 is a board of landscape architects.

19 (2) The board consists of five members. Members of the
20 board shall be appointed by the governor ~~with the consent of~~
21 ~~the senate~~ and must be residents of this state. Three
22 members must be landscape architects licensed under Title
23 37, chapter 66. Two members must be representatives of the
24 public who are not engaged in the practice of landscape
25 architecture.

1 (3) The board is allocated to the department of
2 professional and occupational licensing for administrative
3 purposes only as prescribed in 2-15-121.

4 (4) Terms are for 4 years. Each member shall hold
5 office until the appointment and qualification of his
6 successor. Vacancies occurring prior to the expiration of
7 the term shall be filled in the same manner as original
8 appointments. No member may serve more than 8 consecutive
9 years."

10 Section 21. Section 2-15-1653, MCA, is amended to
11 read:

12 "2-15-1653. Board of professional engineers and land
13 surveyors. (1) There is a board of professional engineers
14 and land surveyors.

15 (2) The board consists of nine members appointed by
16 the governor ~~with the consent of the senate~~. The members
17 are:

18 (a) five professional engineers who have been engaged
19 in the practice of engineering for at least 12 years and who
20 have been in responsible charge of engineering teaching or
21 important engineering work for at least 5 years and
22 registered in Montana for at least 5 years. No more than
23 two of these members may be from the same branch of
24 engineering.

25 (b) two registered and practicing land surveyors who

1 have been engaged in the practice of land surveying for at
 2 least 12 years and who have been in responsible charge of
 3 land surveying or important land surveying work for at least
 4 5 years and registered in Montana for at least 5 years;

5 (c) two representatives of the public who are not
 6 engaged in or directly connected with the practice of
 7 engineering or land surveying.

8 (3) Each member shall be a citizen of the United
 9 States and a resident of this state. A member, after
 10 serving three consecutive terms, shall not be reappointed.

11 (4) Each member shall serve for a term of 4 years. The
 12 governor may remove a member for misconduct, incompetency,
 13 neglect of duty, or for any other sufficient cause.

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

16 Section 22. Section 2-15-1655, MCA, is amended to
 17 read:

18 "2-15-1655. Board of plumbers. (1) There is a board of
 19 plumbers.

20 (2) The board consists of nine members appointed by
 21 the governor with the consent of the senate. The members
 22 are:

23 (a) two master plumbers and two journeyman plumbers
 24 who are at least 18 years old, who have been residents of
 25 this state for more than 1 year, and who have been duly

1 licensed master or journeyman plumbers at least 5 out of the
 2 last 8 years immediately preceding their appointment;

3 (b) one registered professional engineer qualified in
 4 mechanical engineering;

5 (c) three representatives of the public who are not
 6 engaged in the business of installing or selling plumbing
 7 equipment;

8 (d) one appointed representative of the department of
 9 health and environmental sciences, who shall be a sanitary
 10 engineer and who is secretary of the board.

11 (3) The appointed members of the board shall serve for
 12 a term of 4 years.

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

15 Section 23. Section 2-15-1661, MCA, is amended to
 16 read:

17 "2-15-1661. Board of athletics. (1) There is a board
 18 of athletics.

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

21 (3) Each member shall serve for a term of 3 years.

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

24 Section 24. Section 2-15-1706, MCA, is amended to
 25 read:

1 "2-15-1706. Commission for human rights -- allocation
2 --quasi-judicial. (1) There is a commission for human
3 rights.

4 (2) The commission consists of five members appointed
5 by the governor ~~with the consent of the senate.~~

6 (3) The commission is designated as a quasi-judicial
7 board for the purposes of 2-15-124.

8 (4) The commission is allocated to the department of
9 labor and industry for administrative purposes only as
10 provided in 2-15-121, except that the commission may hire
11 its own personnel, may seek and receive private and federal
12 funds in its own name, and may determine all matters of
13 policy concerning the use of its budget. Subsection (2)(d)
14 of 2-15-121 shall not apply for purposes of this section."

15 Section 25. Section 2-15-2202, MCA, is amended to
16 read:

17 "2-15-2202. Board of veterans' affairs. (1) There is a
18 board of veterans' affairs.

19 (2) The board consists of five members appointed by
20 the governor ~~with the consent of the senate.~~ Not more than
21 one member shall be appointed from a single county.
22 However, a change of residence within the state after
23 appointment does not alter a member's status. All members
24 shall be residents of this state and shall have been
25 honorably discharged from service in the military forces of

1 the United States in any of its wars. A vacancy occurring on
2 the board shall be filled by the governor, subject to the
3 conditions of this subsection.

4 (3) Each member shall serve for a term of 5 years.

5 (4) The board is allocated to the department for
6 administrative purposes only as prescribed in 2-15-121.
7 However, the board may hire its own personnel, and
8 2-15-121(2)(d) does not apply."

-End-

1 SENATE BILL NO. 424

2 INTRODUCED BY HIMSL, S. BROWN

3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR SENATE
 6 CONFIRMATION OF MEMBERS OF THE BOARDS OF COUNTY PRINTING,
 7 DENTISTRY, OSTEOPATHIC PHYSICIANS, PODIATRY EXAMINERS,
 8 PHARMACISTS, NURSING, NURSING HOME ADMINISTRATORS,
 9 OPTOMETRISTS, CHIROPRACTORS, RADIOLOGIC TECHNOLOGISTS,
 10 SPEECH PATHOLOGISTS AND AUDIOLOGISTS, HEARING AID
 11 DISPENSERS, PSYCHOLOGISTS, VETERINARIANS, BARBERS,
 12 COSMETOLOGISTS, MASSAGE THERAPISTS, PHYSICAL THERAPY
 13 EXAMINERS, SANITARIANS, LANDSCAPE ARCHITECTS, PROFESSIONAL
 14 ENGINEERS AND LAND SURVEYORS, PLUMBERS, ATHLETICS, AND
 15 VETERANS' AFFAIRS, AND THE COMMISSION FOR HUMAN RIGHTS;
 16 AMENDING SECTIONS 2-15-1102, 2-15-1606 THROUGH 2-15-1618,
 17 2-15-1625 THROUGH 2-15-1628, 2-15-1631, 2-15-1652,
 18 2-15-1653, 2-15-1655, 2-15-1661, 2-15-1706, AND 2-15-2202,
 19 MCA."

20
 21 WHEREAS, the Legislative Audit Committee has completed
 22 its review of regulatory and licensing boards under the
 23 first two sunset cycles; and

24 WHEREAS, it was noted that appointments to many
 25 regulatory and licensing boards are not subject to Senate

1 confirmation; and

2 WHEREAS, Senate confirmation provides an opportunity
 3 for input to the appointment process by members of the
 4 regulated trade, profession, or industry and by the public,
 5 which is in the public interest.

6 THEREFORE, it is the intent of this act to provide for
 7 Senate confirmation of members of regulatory and licensing
 8 boards not presently requiring Senate confirmation.

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 2-15-1102, MCA, is amended to read:

12 "2-15-1102. Board of county printing -- composition --
 13 allocation -- compensation. (1) There is a board of county
 14 printing.

15 (2) The board consists of five members appointed by
 16 the governor with the consent of the senate for terms of 2
 17 years.

18 (3) The members are:

19 (a) two members of the printing industry;

20 (b) two county commissioners;

21 (c) one member of the general public.

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

24 (5) The members of the board shall be compensated and
 25 reimbursed as are members of advisory councils in 2-15-122."

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

4 (2) The board consists of five dentists and one dental
5 hygienist, all appointed by the governor with the consent of
6 the senate. The Montana dental association and the Montana
7 dental hygienists' association shall each present to the
8 governor, within 15 days after its regular annual meeting, a
9 list of not less than five candidates from which
10 appointments for vacancies on the board occurring during the
11 ensuing year may be made. At all times at least three
12 members of the board shall be appointed from the list of
13 candidates submitted by the Montana dental association and
14 one member shall be appointed from the list submitted by the
15 Montana dental hygienists' association. Each member shall be
16 licensed to practice a dental profession in this state,
17 shall have actively practiced in this state for at least 5
18 continuous years immediately before his appointment, and
19 shall be actively engaged in practice while serving on the
20 board. Each member shall be a citizen of the United States
21 and a resident of this state.

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

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

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

3 Section 3. Section 2-15-1607, MCA, is amended to read:
4 "2-15-1607. Board of osteopathic physicians. (1) There
5 is a board of osteopathic physicians.

6 (2) The board consists of three members appointed by
7 the governor with the consent of the senate. Each member
8 shall be a qualified practicing resident osteopath and a
9 graduate of a legally authorized school of osteopathy.

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

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

13 Section 4. 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 podiatrists appointed by the governor with the
18 consent of the senate to 3-year terms, selected from a list
19 of six podiatrists submitted by the Montana association of
20 podiatrists. The members shall be residents of this state
21 who have engaged in the active practice of podiatry in this
22 state for at least 2 years and are of high integrity and
23 ability. The governor shall fill a vacancy on the board from
24 the same list of podiatrists.

25 (3) The board is allocated to the department for

1 administrative purposes only as prescribed in 2-15-121."

2 Section 5. Section 2-15-1609, MCA, is amended to read:

3 "2-15-1609. Board of pharmacists. (1) There is a board

4 of pharmacists.

5 (2) The board consists of three members appointed by

6 the governor with the consent of the senate. The governor

7 shall appoint the members from a list submitted annually by

8 the Montana state pharmaceutical association. The list shall

9 contain the names of five qualified persons for each

10 appointment. Each member shall be a graduate of the college

11 of pharmacy of the university of Montana or of a college or

12 school of pharmacy recognized and approved by or a member of

13 the American association of colleges of pharmacy. Each

14 member shall have at least 5 consecutive years of practical

15 experience as a pharmacist immediately before his

16 appointment. However, one member may be a registered

17 pharmacist of 15 years' practical experience and actually

18 engaged in the practice of pharmacy. A member who, during

19 his term of office, ceases to be actively engaged in the

20 practice of pharmacy in this state, shall be automatically

21 disqualified from membership on the board.

22 (3) Each member shall serve for a term of 3 years. A

23 member shall be removed from office by the governor on proof

24 of malfeasance or misfeasance in office, after reasonable

25 notice of charges against him and after a hearing.

1 (4) The board is allocated to the department for

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

3 Section 6. Section 2-15-1610, MCA, is amended to read:

4 "2-15-1610. Board of nursing. (1) There is a board of

5 nursing.

6 (2) The board consists of eight members appointed by

7 the governor with the consent of the senate. The members

8 are:

9 (a) five registered professional nurses who constitute

10 the board--professional nursing administration. At least

11 three members shall have had at least 3 years in

12 administrative, teaching, or supervisory experience in

13 schools of nursing. Each member shall:

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

15 (ii) be a licensed nurse in this state;

16 (iii) have had at least 5 years' experience in nursing

17 following graduation; and

18 (iv) have been actively engaged in nursing for at least

19 3 years immediately before appointment.

20 (b) three practical nurses who constitute the

21 board--practical nursing administration. Each member shall:

22 (i) be a graduate of a school of practical nursing;

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

24 (iii) have had at least 3 years' experience as a

25 practical nurse; and

1 (iv) have been actively engaged in the practice of
2 practical nursing for at least 2 years immediately before
3 appointment.

4 (3) All members shall have been residents of this
5 state for at least 1 year before appointment and be citizens
6 of the United States.

7 (4) All members shall serve for a term of 5 years, and
8 a member may not be appointed for more than two consecutive
9 terms. The governor may remove a member from the board for
10 neglect of a duty required by law or for incompetency or
11 unprofessional or dishonorable conduct.

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

14 Section 7. Section 2-15-1611, MCA, is amended to read:

15 "2-15-1611. Board of nursing home administrators. (1)
16 There is a board of nursing home administrators.

17 (2) The board consists of five voting members
18 appointed by the governor with the consent of the senate. No
19 more than two members shall be nursing home administrators.
20 One member shall represent the public at large and must be
21 55 years of age or older at the time of appointment. The
22 other two members shall be representatives of professions or
23 institutions concerned with the care of chronically ill and
24 infirm aged patients and may not be from the same profession
25 or have a financial interest in a nursing home.

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

5 (4) The appointee representing the public at large
6 shall be selected by the governor. The remaining appointees
7 shall be selected from a list of three nominees submitted
8 for each appointee by the board of directors of the Montana
9 nursing home association, inc.

10 (5) Each appointed member shall serve for a term of 5
11 years. Any vacancy occurring in the position of an
12 appointive member shall be filled by the governor for the
13 unexpired term in the same manner provided for in subsection
14 (4).

15 (6) Appointive members may be removed by the governor
16 only for cause.

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

19 Section 8. Section 2-15-1612, MCA, is amended to read:

20 "2-15-1612. Board of optometrists. (1) There is a
21 board of optometrists.

22 (2) The board consists of four members appointed by
23 the governor with the consent of the senate. Three members
24 must be registered optometrists of this state and actually
25 engaged in the exclusive practice of optometry in this state

1 during their terms of office. One member must be a
2 representative of the public who is not engaged in the
3 practice of optometry.

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

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

7 Section 9. Section 2-15-1613, MCA, is amended to read:

8 "2-15-1613. Board of chiropractors. (1) There is a
9 board of chiropractors.

10 (2) The board consists of three members appointed by
11 the governor with the consent of the senate. The members
12 shall be practicing chiropractors of integrity and ability
13 who shall be residents of this state and who have practiced
14 chiropractic continuously in this state for at least 1 year.
15 No two members shall be graduates of the same school or
16 college of chiropractic.

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

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

23 Section 10. Section 2-15-1614, MCA, is amended to
24 read:

25 "2-15-1614. Board of radiologic technologists. (1)

1 There is a board of radiologic technologists.

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

4 (a) two members shall be radiologists licensed to
5 practice medicine in Montana;

6 (b) one member shall be a physician licensed to
7 practice medicine in Montana;

8 (c) one member shall be a chiropractor licensed to
9 practice in Montana; and

10 (d) three members shall be radiologic technologists
11 registered with the American registry of radiologic
12 technologists (ARRT) who, with the exception of the first
13 appointed members, are licensed radiologic technologists.

14 (3) Vacancies in unexpired terms shall be filled for
15 the remainder of the term.

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

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

19 Section 11. Section 2-15-1615, MCA, is amended to
20 read:

21 "2-15-1615. Board of speech pathologists and
22 audiologists. (1) There is a board of speech pathologists
23 and audiologists.

24 (2) The board consists of five members, four of whom
25 shall:

1 (a) be appointed by the governor with the consent of
 2 the senate from names submitted to him by the Montana speech
 3 and hearing association;

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

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

10 (3) At least two members of the board shall be speech
 11 pathologists and at least two shall be audiologists, with
 12 the remaining member to be a public member, appointed by the
 13 governor with the consent of the senate, who is a consumer
 14 of speech pathology or audiology services and who is not a
 15 licentiate of the board or of any other board within the
 16 department. All board members, except the public member,
 17 shall at all times be validly licensed in speech pathology
 18 or audiology.

19 (4) Not less than 60 days before the end of each
 20 calendar year, the association shall recommend at least
 21 three and not more than five persons for each vacancy
 22 occurring at the end of the calendar year. In the event of
 23 a vacancy for an unexpired term, the association shall
 24 expeditiously recommend at least two and not more than three
 25 persons to fill the vacancy and the governor shall appoint

1 one of those persons to fill the unexpired term.

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

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

8 Section 12. Section 2-15-1616, MCA, is amended to
 9 read:

10 "2-15-1616. Board of hearing aid dispensers. (1) There
 11 is a board of hearing aid dispensers.

12 (2) The board consists of five members appointed by
 13 the governor with the consent of the senate. The members
 14 are:

15 (a) one member appointed from a list submitted by the
 16 Montana academy of oto-ophthalmology. This member shall hold
 17 or be eligible for a certificate of qualification from the
 18 American board of otolaryngology.

19 (b) one member appointed from a list submitted by the
 20 Montana speech and hearing association. This member shall
 21 hold or be eligible for a certificate of clinical competence
 22 in audiology from the American speech and hearing
 23 association.

24 (c) three members appointed from a list submitted by
 25 the Montana hearing aid dealers' society. These members

1 shall have been qualified dispensers and fitters of hearing
2 aids for at least 5 years before their appointment to the
3 board.

4 (d) one alternate member shall be appointed from each
5 of the three lists to serve when a regular member cannot
6 attend a scheduled meeting.

7 (3) Each member shall serve for a term of 3 years. A
8 member may not be reappointed within 1 year after the
9 expiration of his second consecutive full term. If a vacancy
10 occurs on the board, the governor shall appoint a person
11 from the same list as the member whose term was not
12 completed.

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

15 Section 13. Section 2-15-1617, MCA, is amended to
16 read:

17 "2-15-1617. Board of psychologists. (1) There is a
18 board of psychologists.

19 (2) The board consists of three members appointed by
20 the governor with the consent of the senate. The governor
21 shall appoint all members, including a member filling a
22 vacancy for an unexpired term, from the list of licensed
23 psychologists in this state. A member may not succeed
24 himself but may be reappointed after 3 years following the
25 termination of his previous appointment. Each member shall

1 be a citizen of the United States and a resident of this
2 state.

3 (3) Each member shall serve for a term of 3 years."

4 Section 14. Section 2-15-1618, MCA, is amended to
5 read:

6 "2-15-1618. Board of veterinarians. (1) There is a
7 board of veterinarians.

8 (2) The board consists of six members appointed by the
9 governor with the consent of the senate, five of whom shall
10 be licensed veterinarians and one of whom shall be a public
11 member who is a consumer of veterinary services and who
12 shall not be a licentiate of the board or of any other board
13 under the department of professional and occupational
14 licensing.

15 (3) The Montana state veterinary medical association
16 shall, at each annual meeting, nominate twice the number of
17 veterinarian board members to be appointed that year. The
18 names of these nominees shall be annually transmitted, under
19 seal, to the governor before July 1. The governor shall,
20 before August 1, appoint from this list the board members to
21 fill the vacancies that will occur July 31. If no nominee
22 has the required qualifications to be on the board, the
23 governor may appoint any licensed and registered
24 veterinarian.

25 (4) Each veterinarian member shall be a reputable

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

8 (5) Each member shall serve for a term of 5 years. The
 9 governor may, after notice and hearing, remove a member for
 10 misconduct, incapacity, or neglect of duty.

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

13 Section 15. Section 2-15-1625, MCA, is amended to
 14 read:

15 "2-15-1625. Board of barbers. (1) There is a board of
 16 barbers.

17 (2) The board consists of three members appointed by
 18 the governor with the consent of the senate. Each member
 19 shall be a practicing barber who has been a barber in this
 20 state for at least 5 years immediately before his
 21 appointment.

22 (3) Each member shall serve for a term of 3 years. The
 23 governor may remove a member for cause.

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

1 Section 16. Section 2-15-1626, MCA, is amended to
 2 read:

3 "2-15-1626. Board of cosmetologists. (1) There is a
 4 board of cosmetologists.

5 (2) The board consists of three members who may be
 6 appointed by the governor with the consent of the senate
 7 from a list of six persons recommended by the Montana state
 8 hairdressers' association. Each member appointed shall have
 9 actively engaged in the profession of cosmetology for at
 10 least 5 years before his appointment and have been a
 11 resident of this state for at least 5 years immediately
 12 before his appointment. Each member shall be at least 18
 13 years old and a graduate of a high school or its equivalent.
 14 No two members of the board may be members of or affiliated
 15 with a school of cosmetology.

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

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

19 Section 17. Section 2-15-1627, MCA, is amended to
 20 read:

21 "2-15-1627. Board of massage therapists. (1) There is
 22 a board of massage therapists.

23 (2) The board consists of three members appointed by
 24 the governor with the consent of the senate. Each member
 25 shall be a resident of this state and shall have been a

1 masseur continuously in this state for at least 1 year. Each
2 member shall have integrity and ability as a masseur.

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

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

6 Section 18. Section 2-15-1628, MCA, is amended to
7 read:

8 *2-15-1628. Board of physical therapy examiners. (1)
9 There is a board of physical therapy examiners.

10 (2) The board consists of three members appointed by
11 the governor with the consent of the senate, upon the
12 recommendation of the Montana chapter of the American
13 physical therapy association, for a term of 3 years.

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

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

25 (5) Ninety days prior to the end of the board member's

1 term of office a nominating committee comprised of members
2 and nonmembers of the Montana chapter of the American
3 physical therapy association shall submit to the governor a
4 list of individuals qualified to serve as a member of the
5 board. The list shall contain not less than three times the
6 number of candidates needed to fill the vacancies.

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

13 (7) No member may be appointed for more than two
14 consecutive terms.

15 (8) The governor may remove any board member for
16 negligence in performance of any duty required by law and
17 for incompetence or unprofessional or dishonorable conduct.

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

21 (10) The board shall provide for its organizational
22 structure by rule, which shall include a chairman,
23 vice-chairman, and secretary-treasurer.

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

1 Section 19. Section 2-15-1631, MCA, is amended to
2 read:

3 "2-15-1631. Board of sanitarians. (1) There is a board
4 of sanitarians.

5 (2) The board shall consist of three members appointed
6 by the governor with the consent of the senate. Each member
7 shall be a resident of this state and a registered
8 sanitarian. Each member shall have a minimum of 3 years of
9 experience practicing as a sanitarian in the state of
10 Montana.

11 (3) Members shall serve for 3-year terms. One term
12 shall expire on July 1 of each year.

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

15 Section 20. Section 2-15-1652, MCA, is amended to
16 read:

17 "2-15-1652. Board of landscape architects. (1) There
18 is a board of landscape architects.

19 (2) The board consists of five members. Members of the
20 board shall be appointed by the governor with the consent of
21 the senate and must be residents of this state. Three
22 members must be landscape architects licensed under Title
23 37, chapter 66. Two members must be representatives of the
24 public who are not engaged in the practice of landscape
25 architecture.

1 (3) The board is allocated to the department of
2 professional and occupational licensing for administrative
3 purposes only as prescribed in 2-15-121.

4 (4) Terms are for 4 years. Each member shall hold
5 office until the appointment and qualification of his
6 successor. Vacancies occurring prior to the expiration of
7 the term shall be filled in the same manner as original
8 appointments. No member may serve more than 8 consecutive
9 years."

10 Section 21. Section 2-15-1653, MCA, is amended to
11 read:

12 "2-15-1653. Board of professional engineers and land
13 surveyors. (1) There is a board of professional engineers
14 and land surveyors.

15 (2) The board consists of nine members appointed by
16 the governor with the consent of the senate. The members
17 are:

18 (a) five professional engineers who have been engaged
19 in the practice of engineering for at least 12 years and who
20 have been in responsible charge of engineering teaching or
21 important engineering work for at least 5 years and
22 registered in Montana for at least 5 years. No more than
23 two of these members may be from the same branch of
24 engineering.

25 (b) two registered and practicing land surveyors who

1 have been engaged in the practice of land surveying for at
 2 least 12 years and who have been in responsible charge of
 3 land surveying or important land surveying work for at least
 4 5 years and registered in Montana for at least 5 years;

5 (c) two representatives of the public who are not
 6 engaged in or directly connected with the practice of
 7 engineering or land surveying.

8 (3) Each member shall be a citizen of the United
 9 States and a resident of this state. A member, after
 10 serving three consecutive terms, shall not be reappointed.

11 (4) Each member shall serve for a term of 4 years. The
 12 governor may remove a member for misconduct, incompetency,
 13 neglect of duty, or for any other sufficient cause.

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

16 Section 22. Section 2-15-1655, MCA, is amended to
 17 read:

18 "2-15-1655. Board of plumbers. (1) There is a board of
 19 plumbers.

20 (2) The board consists of nine members appointed by
 21 the governor with the consent of the senate. The members
 22 are:

23 (a) two master plumbers and two journeyman plumbers
 24 who are at least 18 years old, who have been residents of
 25 this state for more than 1 year, and who have been duly

1 licensed master or journeyman plumbers at least 5 out of the
 2 last 8 years immediately preceding their appointment;

3 (b) one registered professional engineer qualified in
 4 mechanical engineering;

5 (c) three representatives of the public who are not
 6 engaged in the business of installing or selling plumbing
 7 equipment;

8 (d) one appointed representative of the department of
 9 health and environmental sciences, who shall be a sanitary
 10 engineer and who is secretary of the board.

11 (3) The appointed members of the board shall serve for
 12 a term of 4 years.

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

15 Section 23. Section 2-15-1661, MCA, is amended to
 16 read:

17 "2-15-1661. Board of athletics. (1) There is a board
 18 of athletics.

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

21 (3) Each member shall serve for a term of 3 years.

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

24 Section 24. Section 2-15-1706, MCA, is amended to
 25 read:

1 "2-15-1706. Commission for human rights -- allocation
2 -- quasi-judicial. (1) There is a commission for human
3 rights.

4 (2) The commission consists of five members appointed
5 by the governor with the consent of the senate.

6 (3) The commission is designated as a quasi-judicial
7 board for the purposes of 2-15-124.

8 (4) The commission is allocated to the department of
9 labor and industry for administrative purposes only as
10 provided in 2-15-121, except that the commission may hire
11 its own personnel, may seek and receive private and federal
12 funds in its own name, and may determine all matters of
13 policy concerning the use of its budget. Subsection (2)(d)
14 of 2-15-121 shall not apply for purposes of this section."

15 Section 25. Section 2-15-2202, MCA, is amended to
16 read:

17 "2-15-2202. Board of veterans' affairs. (1) There is a
18 board of veterans' affairs.

19 (2) The board consists of five members appointed by
20 the governor with the consent of the senate. Not more than
21 one member shall be appointed from a single county.
22 However, a change of residence within the state after
23 appointment does not alter a member's status. All members
24 shall be residents of this state and shall have been
25 honorably discharged from service in the military forces of

1 the United States in any of its wars. A vacancy occurring on
2 the board shall be filled by the governor, subject to the
3 conditions of this subsection.

4 (3) Each member shall serve for a term of 5 years.

5 (4) The board is allocated to the department for
6 administrative purposes only as prescribed in 2-15-121.
7 However, the board may hire its own personnel, and
8 2-15-121(2)(d) does not apply."

-End-