

1 HOUSE BILL NO. 335

2 INTRODUCED BY J. KARLEN, R. MARSHALL, B. MITCHELL

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO PROFESSIONAL LICENSING
5 BOARD APPOINTMENTS; REQUIRING THE GOVERNOR TO APPOINT A QUALIFIED BOARD MEMBER
6 APPLICANT WITHIN A CERTAIN TIMEFRAME; ESTABLISHING REPORTING REQUIREMENTS; AND
7 AMENDING SECTION 37-1-123, MCA."

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

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11 **Section 1.** Section 37-1-123, MCA, is amended to read:

12 **"37-1-123. Appointment -- qualifications -- terms -- report.** (1) (a) The governor shall appoint the
13 members of a board designated under 2-15-1730 through 2-15-1782 in accordance with this section and with
14 the consent of the senate.

15 (b) The governor shall make a determination whether to appoint a qualified applicant as a member
16 of a board in conformance with 2-15-201 within 6 months of a completed application.

17 (2) (a) The governor has the authority to remove members of the board with reasonable cause,
18 including but not limited to documented misconduct, incompetence, or neglect of duty.

19 (b) A person removed from a board by the governor may request reconsideration of the removal.
20 The request for reconsideration must be submitted to the governor within 14 days of the removal. The governor
21 has 14 days to rescind or reaffirm the removal from the board.

22 (3) Each board must be composed of professional and public members.

23 (4) (a) Each professional member of a board, while serving as a board member:

24 (i) must be a resident of this state and at least 18 years of age; and

25 (ii) must be currently practicing in the profession or occupation and have an active license in this
26 state for at least 1 year and in good standing for the profession or occupation in which the member is appointed
27 to serve.

28 (b) For the purposes of subsection (4)(a), "good standing" means an active license unencumbered

1 by a final order of disciplinary action or administrative suspension.

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

4 (b) A public member may not be:

5 (i) the spouse, parent, or child of a current or former licensee of the board; or

6 (ii) a person who currently or within the 3 years prior to appointment had any material financial
7 interest in the provision of professional services or engaged in any activity related to the practice of the
8 profession regulated by the board on which the public member is appointed to serve, except as a consumer.

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

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

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

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

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

25 (11) A member may serve two consecutive full terms and may not be reappointed within 4 years of
26 the completion of the member's second consecutive full term except in cases when no qualified applications are
27 received for membership on the board. For the purposes of this section, an appointment to fill an unexpired
28 term does not constitute a full term.

1 (12) (a) The governor's office shall submit a biennial report to the economic affairs interim
2 committee in accordance with 5-11-210.

3 (b) The biennial report must cover the preceding biennium and include:

4 (i) _____ the total number of vacant board positions for boards designated under 2-15-1730 through 2-
5 15-1782;

6 (ii) a listing of the vacancies of board positions under subsection (12)(b)(i) and the length of
7 vacancy;

8 (iii) the number of applicants for board positions under subsection (12)(b)(i) and the amount of time
9 the governor's office has taken to consider each applicant; and

10 (iv) a listing of board seats filled during the biennium."

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