

Unofficial Draft Copy

As of: March 22, 2005 (8:49am)

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LC5500

**** Joint Resolution No. ****

Introduced By *****

By Request of the *****

BUSINESS & LABOR

EXHIBIT NO. 5
DATE 3/23/05
BILL NO. NA

A Joint Resolution of the Senate and the House of Representatives of the State of Montana requesting the legislative council to designate an appropriate interim committee or direct sufficient staff resources to study methods to increase the responsiveness, effectiveness, and efficiencies of professional boards and programs dedicated to public service in Montana and to provide recommended policies for CREATION OF new boards, board rulemaking, AND BOARD ACCOUNTABILITY.

WHEREAS, Montana has 32 professional licensing boards administratively attached to the Department of Labor and Industry and five other boards attached to other departments, some of which have similar areas of jurisdiction, which occasionally results in jurisdictional conflicts and lack of mission clarity; and

WHEREAS, THE 58TH MONTANA LEGISLATURE CALLED FOR LIMITED-SCOPE PERFORMANCE AUDITS OF THE OPERATIONS OF PROFESSIONAL BOARDS, WHICH RESULTED IN LEGISLATION IN THE 59TH LEGISLATURE TO CLARIFY THE JURISDICTION BETWEEN THE BOARDS AND THE DEPARTMENT TO WHICH THEY ARE ATTACHED BUT WHICH DID NOT ADDRESS POLICIES RELATED TO BOTH BOARD AND DEPARTMENT ACCOUNTABILITY TO LEGISLATIVE INTENT, ESPECIALLY AS ACCOUNTABILITY RELATES TO PUBLIC SAFETY AND PROTECTION.

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WHEREAS, the continuing growth of the service industry in Montana has resulted in requests for recognition of professional status through licensing programs with a resulting expansion of state regulatory authority primarily based on costs assessed to those being licensed and regulated; and

WHEREAS, the legislature may assign rulemaking authority to boards that operate autonomously in implementing legislative directives, with limited, inconsistent oversight by legislative committees and limited oversight by the department to which the board is assigned, sometimes resulting in rules that appear contrary to legislative intent; and

WHEREAS, tension may exist between the role of board members who are knowledgeable about their profession, which is necessary for rulemaking and regulation of the profession, and the role of board members in licensing new members of the profession who may increase competition within the profession; and

WHEREAS, appropriate consolidation of boards and revised oversight responsibilities may result in increased efficiencies, effectiveness, and oversight.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to examine the APPROPRIATE ROLE OF BOARDS IN IMPLEMENTING PROFESSIONAL LICENSING AND OVERSIGHT WITH THE GOAL OF PROTECTING PUBLIC SAFETY AND TO STUDY

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WHETHER consolidating boards AND PROVIDING SUBGROUPS WITHIN BOARDS WOULD INCREASE cost efficiencies and governance efficiencies while protecting the public safety.

BE IT FURTHER RESOLVED, that the study address the tensions created by jurisdictional disputes between boards and seek ways to resolve these disputes through consolidation or more specific delineation of authority.

BE IT FURTHER RESOLVED, that the study address for each board created by the legislature the balance of professional membership to public interest membership and whether changing the board membership would improve public protection, which is the basic rationale for the state's regulation of boards.

BE IT FURTHER RESOLVED, that the study address the role of a board's rulemaking authority and the oversight of rulemaking by boards to determine what changes may be necessary to improve implementation of legislative intent and the degree and the extent of rulemaking delegation that is appropriately assigned to autonomous boards rather than to a department.

BE IT FURTHER RESOLVED, that the study provide policy considerations for the legislature to use in reviewing creation of new boards and assigning rulemaking authority.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded

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prior to September 15, 2006.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 60th Legislature.

- END -

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