62nd Legislature HB0525.02

1	HOUSE BILL NO. 525
2	INTRODUCED BY MCNIVEN, COOK, O'HARA, EVANS, LAVIN, EHLI, O'NEIL, WELBORN
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4	A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR SYSTEMATIC REVIEW OF PROFESSIONAL AND
5	OCCUPATIONAL LICENSING BOARDS TO DETERMINE IF THE BOARD REMAINS NECESSARY FOR A
6	PUBLIC PURPOSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."
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8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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10	NEW SECTION. Section 1. Review of licensing boards termination. (1) (a) The interim committee
11	responsible for monitoring professional and occupational licensing boards shall in each interim review one-third
12	of the licensing boards to determine whether the board remains BOARDS REMAIN necessary for a public purpose
13	and meets MEET the criteria in subsection (2). A board that does not meet the criteria may be referred to the next
14	legislature to be terminated on June 30 following the legislative session.
15	(b) The review in the first interim after [the effective date of this act] must start with the oldest established
16	boards. The review in the second interim after [the effective date of this act] must include the next oldest
17	established boards. The review in the third interim after [the effective date of this act] must include the newest
18	boards. This review process must be repeated in the same fashion in subsequent interims.
19	(2) The criteria to be used to determine if a board meets a public purpose includes information describing
20	whether:
21	(a) the unregulated practice of the occupation or profession creates a direct, immediate hazard to the
22	public health, safety, or welfare;
23	(b) the scope of practice is readily identifiable and distinguishable from the scope of practice of other
24	professions and occupations;
25	(c) the occupation or profession requires a specialized skill or training for which nationally recognized
26	standards of education and training exist;
27	(d) qualifications for licensure are justified;
28	(e) a public benefit is provided by licensure;
29	(f) licensure significantly increases the cost of service to the public; and
30	(g) public support exists for licensure.

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(3) After a presentation and public comment during the review before the interim committee, the interim committee shall report to the legislature convening in the next odd-numbered year which boards, if any, fail to meet a majority of the criteria in subsection (2) and may recommend termination. The recommendation also must include information from the department of labor and industry regarding the board's ability to remain solvent or achieve fiscal solvency as provided in 37-1-101.

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NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 37, chapter 1, part 1, and the provisions of Title 37, chapter 1, part 1, apply to [section 1].

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NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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12 NEW SECTION. **Section 4. Termination.** [This act] terminates December 31, 2012.

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