

HOUSE BILL NO. 525

INTRODUCED BY MCNIVEN, COOK, O'HARA, EVANS, LAVIN, EHLI, O'NEIL, WELBORN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR SYSTEMATIC REVIEW OF PROFESSIONAL AND OCCUPATIONAL LICENSING BOARDS TO DETERMINE IF THE BOARD REMAINS NECESSARY FOR A PUBLIC PURPOSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

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

NEW SECTION. **Section 1. Review of licensing boards -- termination.** (1) ~~(a)~~(A) The interim committee responsible for monitoring professional and occupational licensing boards shall ~~in each interim review one-third of the licensing boards to~~ IN EACH INTERIM REVIEW ONE-HALF OF THE LICENSING BOARDS TO determine whether the board ~~remains~~ BOARDS REMAIN necessary for a public purpose and ~~meets~~ MEET the criteria in subsection (2). A board that does not meet the criteria may be referred to the next legislature to be terminated on June 30 following the legislative session.

~~(b) The review in the first interim after [the effective date of this act] must start with the oldest established boards. The review in the second interim after [the effective date of this act] must include the next oldest established boards. The review in the third interim after [the effective date of this act] must include the newest boards. This review process must be repeated in the same fashion in subsequent interims.~~

(B) THE REVIEW IN THE FIRST INTERIM AFTER [THE EFFECTIVE DATE OF THIS ACT] MUST START WITH THE OLDEST ESTABLISHED BOARDS. THE REVIEW IN THE SECOND INTERIM AFTER [THE EFFECTIVE DATE OF THIS ACT] MUST INCLUDE THE REMAINING BOARDS. THIS REVIEW PROCESS MUST BE REPEATED IN THE SUBSEQUENT TWO INTERIMS.

(2) The criteria to be used to determine if a board meets a public purpose includes information describing whether:

(a) the unregulated practice of the occupation or profession creates a direct, immediate hazard to the public health, safety, or welfare;

(b) the scope of practice is readily identifiable and distinguishable from the scope of practice of other professions and occupations;

(c) the occupation or profession requires a specialized skill or training for which nationally recognized standards of education and training exist;

- 1 (d) qualifications for licensure are justified;
- 2 (e) a public benefit is provided by licensure;
- 3 (f) licensure significantly increases the cost of service to the public; and
- 4 (g) public support exists for licensure.
- 5 (3) After a presentation and public comment during the review before the interim
- 6 committee shall report to the legislature convening in the next odd-numbered year which boards, if any, fail to
- 7 meet a majority of the criteria in subsection (2) and may recommend termination. The recommendation also must
- 8 include information from the department of labor and industry regarding the board's ability to remain solvent or
- 9 achieve fiscal solvency as provided in 37-1-101.

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11 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an

12 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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14 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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16 NEW SECTION. SECTION 4. TERMINATION. [THIS ACT] TERMINATES DECEMBER 31, ~~2012~~ 2018.

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