

HOUSE JOINT RESOLUTION NO. 20
INTRODUCED BY ROBERTS, D. BROWN

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THAT THE LEGISLATIVE AUDIT COMMITTEE COMPLETE A SERIES OF LIMITED-SCOPE PERFORMANCE AUDITS OF THE OPERATIONS OF PROFESSIONAL LICENSING BOARDS ADMINISTRATIVELY ATTACHED TO THE DEPARTMENT OF LABOR AND INDUSTRY.

WHEREAS, it is the duty of each professional licensing board to set and enforce standards and rules governing the licensing, certification, registration, and conduct of its members; and

WHEREAS, it is the duty of the Department of Labor and Industry to provide administrative, legal, and clerical services needed by the boards, including issuance, denial, and renewal of licenses, the registering and disciplining of licensees, and the recording and filing of minutes of board meetings and hearings; and

WHEREAS, each professional licensing board allocated to the Department of Labor and Industry is required to follow state law and set fees commensurate with the costs of administering the board's program; and

WHEREAS, all licensing boards may take disciplinary action against licensees, including the investigation of complaints and the suspension, revocation, or denial of a professional license; and

WHEREAS, section 37-1-135, MCA, requires that all licensing boards provide the Legislative Auditor, upon request, with any records or information compiled during the course of a background review, complaint investigation, or peer review; and

WHEREAS, more than 20 years have passed since the Legislative Auditor completed 46 sunset audits reviewing the operations of licensing boards; and

WHEREAS, it is in the interest of the licensees and the State of Montana to ensure that licensing laws are administered fairly, efficiently, and effectively.

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

(1) That the Legislative Audit Committee prioritize a series of limited-scope performance audits of the operations of professional licensing boards and related administrative services of the Department of Labor and Industry, including but not limited to:

(a) the practices used to ensure that fees adopted by each professional board are commensurate with

the costs of regulation and that fund balances are sufficient for operation of each board;

(b) the policies, procedures, and practices of each professional board regarding disciplinary activity to ensure that board actions protect the public and are rational, impartial, and in compliance with state law and regulations adopted by the Department of Labor and Industry and the board;

(c) the efficiency and effectiveness of the Department of Labor and Industry's procedures for administering the activities of professional boards;

(d) the composition of each professional board to ensure that the public, the profession, and the occupation regulated by the board are adequately represented; and

(e) each board's professional examination and experience requirements to ensure that both are designed to protect the public rather than limit access to the profession and occupation.

(2) That the Legislative Audit Committee present its findings, recommendations, and any proposed legislation to the 59th Legislature.

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