

Murdo, Patricia

From: Pellegrini, Jim
Sent: Friday, April 21, 2006 1:38 PM
To: Murdo, Patricia
Subject: Sunrise Information

Pat:

Below is a summary of the rise and fall of the Sunrise process.

The Sunrise law required the proposed licensed profession or occupation to provide information in the following areas and also pay a fee to the committee to cover the cost of public hearings and staff analyses of the proposal. The required information centered on the following questions:

- Would licensing protect and benefit the public?
- Would licensing improve the quality of service?
- What is the public support for licensing?
- Is the proposed license dissimilar from current occupations or professions?
- Will licensing exclude existing practitioners or reduce the numbers?
- Will licensing increase the cost of services to the public?
- How many are likely to use the services?
- What are the proposed qualifications for licensure?
- What are the requirements for continuing education?
- Are there nationally recognized organizations supporting licensure?
- Is there an established code of ethics?
- What is the proposed makeup of the licensing Board?
- What types of disciplinary procedures are to be used?
- What is the yearly cost to the state to administer the program?
- What are the proposed fees to cover the cost of the licensing?
- Do any professional societies or other interested groups exist?
- Do other states license the profession or occupation?
- How many existing practitioners are there?

After four years of experience with the Sunrise process, it became apparent to the Legislative Audit Committee, the Legislature, and those submitting proposals that the hearings before the Audit Committee were not adding much value. The Audit Committee could only issue a report detailing the information, analysis, and testimony provided. The report listed the committee's findings; an estimate of the cost to the state; a proposed schedule of fees; and the committee's recommendation as to whether the profession or occupation should be licensed by the state. The proposals would go to the full Legislature whether the recommendation was pro or con. The Audit Committee concluded that this was not an effective use of their time or staff's time.

The Audit Committee and those groups making the proposals realized that the proposals could go directly to the Legislature because a legislator could not be barred from introducing a bill on any subject. The same types of questions would be asked during the legislative hearing process as at the Audit Committee hearings. The thought process of those making proposals was why pay a fee, duplicate reporting and analysis requirements, and answer questions at a hearing prior to the session, when they could do it during the session and not pay the fee.

The sunrise process was eventually seen as an administrative process, with hoops to jump through, rather than an effective decision making process. The Audit Committee introduced legislation to repeal Sunrise in 1993.

Hope this helps.

Jim

*Jim Pellegrini
Deputy Legislative Auditor
Performance Audit
Montana Legislative Audit Division
406-444-3122
jpellegrini@mt.gov*