

SENATE BILL NO. 350

INTRODUCED BY SVRCEK, PAVLOVICH, JERGESON, COBB,
KADAS, KEATING
BY REQUEST OF THE LEGISLATIVE
AUDIT COMMITTEE

IN THE SENATE

FEBRUARY 11, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON STATE ADMINISTRATION.

FEBRUARY 12, 1991 FIRST READING.

FEBRUARY 19, 1991 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

FEBRUARY 20, 1991 PRINTING REPORT.

FEBRUARY 21, 1991 SECOND READING, DO PASS.

FEBRUARY 22, 1991 ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 49; NOES, 0.

TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 4, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON STATE ADMINISTRATION.

FIRST READING.

MARCH 14, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

POSTED ON CONSENT CALENDAR.

MARCH 15, 1991 CONSENT CALENDAR, QUESTIONS AND ANSWERS.

MARCH 16, 1991 THIRD READING, CONCURRED IN.
AYES, 97; NOES, 0.

RETURNED TO SENATE.

IN THE SENATE

MARCH 18, 1991 RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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Senate BILL NO. **350**
INTRODUCED BY *Walt Fankhauser*
BY REQUEST OF THE LEGISLATIVE *Committee*
AUDIT COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING AND CLARIFYING THE LAW CONCERNING THE REVIEW OF NEW LICENSING BOARDS OR THE CONSOLIDATION OF EXISTING LICENSING BOARDS; AMENDING SECTIONS 2-8-205, 2-8-206, 2-8-207, AND 5-4-207, MCA; AND REPEALING SECTION 2-8-209, MCA."

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

Section 1. Section 2-8-205, MCA, is amended to read:

"2-8-205. Procedure. (1) The committee shall adopt an appropriate form for use by applicants, containing a copy of this part and requiring applicants to ~~list~~ provide:

- (a) proposed qualifications of licensed practitioners;
- (b) disciplinary procedures that would be applied to practitioners;
- (c) proposed requirements for continuing education, if any; and
- (d) the information required by 2-8-204; and
- (e) draft legislation that meets the bill drafting requirements of the legislative council.

(2) After the committee has initiated its review under

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2-8-203, it may request any additional information it considers necessary to complete its assessment of the proposal.

(3) The committee shall hold at least one public hearing during which the applicant and members of the public have an opportunity to testify.

(4) At least one copy of the report must be kept on file with the legislative auditor and made available for public inspection."

Section 2. Section 2-8-206, MCA, is amended to read:

"2-8-206. Application fee. An application for review under 2-8-203 or 2-8-207 must include an application fee of \$1,000. The fee must be used by the committee to pay the cost of the review, and any unused portion must be refunded to the applicant."

Section 3. Section 2-8-207, MCA, is amended to read:

"2-8-207. Consolidation of existing boards. (1) Any person or organization may propose consolidation of two or more existing boards and is considered an applicant. The provisions of ~~2-8-202 through~~ 2-8-205(2) through (4) apply to ~~such a~~ the proposal, ~~except that:~~

~~(1) the committee shall designate a representative of each of the occupations or professions regulated by the licensing boards proposed for consolidation, and each representative must be treated as an applicant for purposes~~

1 ~~of 2-8-202 through 2-8-205, and~~

2 (2) An application for consolidation must:

3 (a) describe any administrative savings that could
4 result from the proposed consolidation, such as reduced
5 staff time, reduced paperwork, or reduced travel time;

6 (b) describe the public support that has been shown for
7 the consolidation proposal;

8 (c) describe how the public will benefit from the
9 consolidation, such as improved quality of service;

10 (d) describe any other benefits from the consolidation;

11 (e) describe any positive or negative effects on
12 current or future licensees;

13 (f) describe the membership of the proposed licensing
14 board and the qualifications of the proposed members;

15 (g) estimate the yearly cost to the state of
16 administering the consolidated program, including board
17 travel and per diem, personnel costs, materials, testing
18 costs, investigative costs, and other relevant costs;

19 (h) list the proposed fees to cover the estimated costs
20 of the program and the estimated number of each type of fee,
21 including application fees, examination fees, license fees,
22 and license renewal fees;

23 (i) describe the proposed period a license will be
24 effective; and

25 (j) provide draft legislation that meets the bill

1 drafting requirements of the legislative council.

2 ~~†2†~~(3) the The committee shall weigh the merits of the
3 proposed consolidation against the merits of retaining a
4 separate licensing board for each affected occupation or
5 profession and in its report recommend to the legislature:

- 6 (a) the proposed consolidation;
- 7 (b) continuation of the existing licensing boards; or
- 8 (c) a modification of the proposed consolidation."

9 **Section 4.** Section 5-4-207, MCA, is amended to read:

10 **"5-4-207. Legislative audit committee report required**
11 **with licensing bills.** A legislative audit committee report
12 provided for in 2-8-203 must be attached to any bill
13 reported out of a committee of the legislature that proposes
14 to:

- 15 (1) establish a new occupational or professional
- 16 licensing board as defined in 2-8-202;
- 17 (2) ~~initiate--a--legislative--or--executive--department~~
18 ~~study-of-the-need-for-a--new--occupational--or--professional~~
19 ~~licensing-board;~~

20 ~~†3†~~ add to the duties of an existing licensing board
21 responsibility for licensing another occupation or
22 profession; or

23 ~~†4†~~(3) consolidate two or more existing licensing
24 boards."

25 **NEW SECTION. Section 5.** Repealer. Section 2-8-209,

LC 1480/01

1 MCA, is repealed.

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0350, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

The bill revises and clarifies the law concerning the review of new licensing boards or the consolidation of existing licensing boards.

ASSUMPTIONS:


1. The number of applications received by the Legislative Audit Committee during the 1993 biennium will equal the five received in the 1991 biennium.
2. Applications and application fees will be received at least 180 days prior to the start of the next legislative session in accordance with 2-8-203, MCA, and therefore will be received during FY92.
3. Costs associated with the committee review and report will be funded by the application fee and these are estimated to equal or exceed the \$1,000 application fee.
4. The workload of the Office of Legislative Auditor is impacted by these reviews and reports but the fiscal impact on budgeted expenses will be minimal.
5. No increase in sunrise application fee revenue is expected above the \$5,000 received during the 1991 biennium.

FISCAL IMPACT:

None.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

None.



ROD SUNDSTED, BUDGET DIRECTOR DATE
Office of Budget and Program Planning 2-15-91



PAUL S. SVRCEK, PRIMARY SPONSOR DATE
2/16/91

Fiscal Note for SB0350, as introduced **SB 350**

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

1 *Senate* BILL NO. *350*
2 INTRODUCED BY *Sen. Pauline Ferguson*
3 BY REQUEST OF THE LEGISLATIVE *Committee*
4 AUDIT COMMITTEE

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING AND CLARIFYING
7 THE LAW CONCERNING THE REVIEW OF NEW LICENSING BOARDS OR THE
8 CONSOLIDATION OF EXISTING LICENSING BOARDS; AMENDING
9 SECTIONS 2-8-205, 2-8-206, 2-8-207, AND 5-4-207, MCA; AND
10 REPEALING SECTION 2-8-209, MCA."

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15 appropriate form for use by applicants, containing a copy of
16 this part and requiring applicants to ~~list~~ provide:

- 17 (a) proposed qualifications of licensed practitioners;
- 18 (b) disciplinary procedures that would be applied to
19 practitioners;
- 20 (c) proposed requirements for continuing education, if
21 any; and
- 22 (d) the information required by 2-8-204; and
- 23 (e) draft legislation that meets the bill drafting
24 requirements of the legislative council.

25 (2) After the committee has initiated its review under

1 2-8-203, it may request any additional information it
2 considers necessary to complete its assessment of the
3 proposal.

4 (3) The committee shall hold at least one public
5 hearing during which the applicant and members of the public
6 have an opportunity to testify.

7 (4) At least one copy of the report must be kept on
8 file with the legislative auditor and made available for
9 public inspection."

10 **Section 2.** Section 2-8-206, MCA, is amended to read:

11 "2-8-206. Application fee. An application for review
12 under 2-8-203 or 2-8-207 must include an application fee of
13 \$1,000. The fee must be used by the committee to pay the
14 cost of the review, and any unused portion must be refunded
15 to the applicant."

16 **Section 3.** Section 2-8-207, MCA, is amended to read:

17 "2-8-207. Consolidation of existing boards. (1) Any
18 person or organization may propose consolidation of two or
19 more existing boards and is considered an applicant. The
20 provisions of 2-8-202 through 2-8-205(2) through (4) apply
21 to such a ~~the proposal, except that,~~

22 ~~(1) the committee shall designate a representative of~~
23 ~~each of the occupations or professions regulated by the~~
24 ~~licensing boards proposed for consolidation, and each~~
25 ~~representative must be treated as an applicant for purposes~~

of-2-8-202-through-2-8-205,-and

(2) An application for consolidation must:

(a) describe any administrative savings that could result from the proposed consolidation, such as reduced staff time, reduced paperwork, or reduced travel time;

(b) describe the public support that has been shown for the consolidation proposal;

(c) describe how the public will benefit from the consolidation, such as improved quality of service;

(d) describe any other benefits from the consolidation;

(e) describe any positive or negative effects on current or future licensees;

(f) describe the membership of the proposed licensing board and the qualifications of the proposed members;

(g) estimate the yearly cost to the state of administering the consolidated program, including board travel and per diem, personnel costs, materials, testing costs, investigative costs, and other relevant costs;

(h) list the proposed fees to cover the estimated costs of the program and the estimated number of each type of fee, including application fees, examination fees, license fees, and license renewal fees;

(i) describe the proposed period a license will be effective; and

(j) provide draft legislation that meets the bill

drafting requirements of the legislative council.

{2}(3) the The committee shall weigh the merits of the proposed consolidation against the merits of retaining a separate licensing board for each affected occupation or profession and in its report recommend to the legislature:

(a) the proposed consolidation;

(b) continuation of the existing licensing boards; or

(c) a modification of the proposed consolidation."

Section 4. Section 5-4-207, MCA, is amended to read:

***5-4-207.** Legislative audit committee report required with licensing bills. A legislative audit committee report provided for in 2-8-203 must be attached to any bill reported out of a committee of the legislature that proposes to:

(1) establish a new occupational or professional licensing board as defined in 2-8-202;

(2) ~~initiate--a--legislative--or--executive--department study-of-the-need-for-a--new--occupational--or--professional licensing-board;~~

{3} add to the duties of an existing licensing board responsibility for licensing another occupation or profession; or

{4}(3) consolidate two or more existing licensing boards."

NEW SECTION. Section 5. Repealer. Section 2-8-209,

LC 1480/01

1 MCA, is repealed.

-End-

1 *Senate* BILL NO. *350*
 2 INTRODUCED BY *Wendy Fairbank Ferguson Kuder Cobb*
 3 BY REQUEST OF THE LEGISLATIVE *Committee*
 4 AUDIT COMMITTEE

5
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 21 any; and
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 24 requirements of the legislative council.
 25 (2) After the committee has initiated its review under

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 3 proposal.

4 (3) The committee shall hold at least one public
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22 ~~{1}--the--committee--shall--designate--a--representative--of~~
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 24 ~~licensing--boards--proposed--for--consolidation,--and--each~~
 25 ~~representative--must--be--treated--as--an--applicant--for--purposes~~

THIRD READING

1 of-2-8-202-through-2-8-205,-and

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4 result from the proposed consolidation, such as reduced
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14 board and the qualifications of the proposed members;

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24 effective; and

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17 **(2) ~~initiate--a--legislative--or--executive--department~~**
18 **~~study-of-the-need-for-a--new--occupational--or--professional~~**
19 **~~licensing-board;~~**

20 **{3} add to the duties of an existing licensing board**
21 **responsibility for licensing another occupation or**
22 **profession; or**

23 **{4}{3} consolidate two or more existing licensing**
24 **boards."**

25 **NEW SECTION. Section 5. Repealer. Section 2-8-209,**

LC 1480/01

1 MCA, is repealed.

-End-

SENATE BILL NO. 350

INTRODUCED BY SVRCEK, PAVLOVICH, JERGSON, COBB,

KADAS, KEATING

BY REQUEST OF THE LEGISLATIVE

AUDIT COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING AND CLARIFYING THE LAW CONCERNING THE REVIEW OF NEW LICENSING BOARDS OR THE CONSOLIDATION OF EXISTING LICENSING BOARDS; AMENDING SECTIONS 2-8-205, 2-8-206, 2-8-207, AND 5-4-207, MCA; AND REPEALING SECTION 2-8-209, MCA."

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 21 of the program and the estimated number of each type of fee,
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 25 effective; and

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 17 licensing board as defined in 2-8-202;

18 (2) ~~initiate a legislative or executive department~~
 19 ~~study of the need for a new occupational or professional~~
 20 ~~licensing board;~~

21 ~~(3)~~ add to the duties of an existing licensing board
 22 responsibility for licensing another occupation or
 23 profession; or

24 ~~(4)~~ (3) consolidate two or more existing licensing
 25 boards."

SB 0350/02

1 NEW SECTION. **Section 5. Repealer.** Section 2-8-209,
2 MCA, is repealed.

-End-