

To: Economic Affairs Committee members  
From: Pat Murdo  
Re: **Report on SJR 35 Work Group Meeting October 12, 2005**

The SJR 35 study group, based on its October 12, 2005, meeting:

- wants to have more direction/leadership from the Economic Affairs Committee;
- didn't want to address the decision tree and preferred to work from the SJR 35 resolution points. The decision tree was intended to provide bite-sized approaches to the resolution points, but it still remains as a resource.
- appeared to recognize -- after giving their particular concerns in some cases and addressing questions from the decision tree/policy paper in other cases -- that there are issues that can be handled from a policy perspective;
- divided into 5 resolution areas as provided by SJR 35. The resolution areas, as stated in SJR 35, seek to:

1) "examine the appropriate role of boards in implementing professional and occupational licensing and oversight with the goal of protecting public safety and to study whether consolidating boards and providing subgroups within boards would increase cost efficiencies and governance efficiencies while protecting the public safety."

2) "address the tensions created by jurisdictional disputes between boards and seek ways to resolve these disputes through consolidation, more specific delineation of authority, or other alternatives."

3) "address for each board created by the Legislature the balance of professional and occupational membership to public interest membership and whether changing the board membership would improve public protection, which is the basic rationale for the state's regulation of boards."

4) "address the role of a board's rulemaking authority and the oversight of a board's rulemaking to determine what policies may be necessary to improve implementation of legislative intent and the degree and the extent of the delegation of rulemaking authority to boards rather than to a department."

5) "provide policy considerations for the Legislature to use in reviewing creation of new boards."

Economic Affairs Committee choices for providing more direction include:

- participating in work or subwork group sessions;
- further defining for each of the above resolution areas what questions the Committee would like the work subgroups to answer. These could be taken from the decision tree or could be as broad as: determine whether the implementation of statutes is working as the legislature intended (and did the legislature intend independent boards or not)?
- determining topics on which the committee would direct staff to provide briefing papers; the work subgroups could then comment on the briefing papers;
- determining which statutes may need revising to address the five resolution areas.

There has been a concern expressed by some work group participants that too many face-to-face meetings would be expensive and time-consuming if not possible for those living outside of Helena. The work group participants would like to know the means of participating:

- email – who coordinates?
- conference call – who pays?
- face-to-face meetings – who chairs/coordinates? (Preference of work group is EAC member chairing the work group meetings)
- other?

What is the expected product of the work group:

- suggested revisions to statutes?
- a template for creating new boards?
- a recommendation to go back to sunrise/sunset reviews?
- other?

The following is the email that went out to SJR 35 interested persons. Attached is a table showing participants who have signed up for the various resolution area work subgroups:

Subject: sign-up for SJR 35 subwork groups

Approximately 22 people attended the SJR 35 work group session today, October 12, to address study issues related to professional and occupational licensing boards.

Those in attendance agreed that they would divide into subgroups to propose policy suggestions to the Economic Affairs Committee in the areas as set forth by SJR 35 (see at <http://leg.state.mt.us>)

Those areas are:

- 1) "examine the appropriate role of boards in implementing professional and occupational licensing and oversight with the goal of protecting public safety and to study whether consolidating boards and providing subgroups within boards would increase cost efficiencies and governance efficiencies while protecting the public safety."
- 2) "address the tensions created by jurisdictional disputes between boards and seek ways to resolve these disputes through consolidation, more specific delineation of authority, or other alternatives."
- 3) "address for each board created by the Legislature the balance of professional and occupational membership to public interest membership and whether changing the board membership would improve public protection, which is the basic rationale for the state's regulation of boards."
- 4) "address the role of a board's rulemaking authority and the oversight of a board's rulemaking to determine what policies may be necessary to improve implementation of legislative intent and the degree and the extent of the delegation of rulemaking authority to boards rather than to a department."
- 5) "provide policy considerations for the Legislature to use in reviewing creation of new boards."

The last "resolved" section is that the appropriate interim committee work with board members, interested parties, and the affiliated departments to include the broadest perspectives during the implementation of this study. Please note: if you were at the meeting - there is one more resolution that was not mentioned -- the first one listed.

Please send an email to [pmurdo@mt.gov](mailto:pmurdo@mt.gov) to indicate in which subgroup you would like to participate.

The work group also asked that the Economic Affairs Committee provide more direction on these issues and requested that a member of the Economic Affairs Committee chair the work group. This will be presented to the Economic Affairs Committee at its October 28 meeting.

Handwritten notes on the meeting are available upon request.

Comments from those who submitted written comments are being made available on the Economic Affairs Committee website under Committee Activities, SJR 35. Please check the website on or after October 13 for those comments.

Although part of the meeting involved particular board concerns, those concerns relate to the broader study areas and may be helpful in providing policy suggestions for the Economic Affairs Committee.

Thank you to all who took the time to comment.

Pat Murdo  
 Legislative Services  
 406-444-3594

### SJR 35 Work Group Participants

<b>Group 1 – Examining the Appropriate Role of Boards ... and whether consolidating boards would increase efficiencies...</b>	Michael Butz Robin Cunningham Shelly Engler Pat Fournier Rose Hughes Kent Watson Representative of Business League of Massage Therapy & Bodywork
<b>Group 2 – Jurisdictional disputes and resolutions</b>	Elsie Arntzen Shelly Engler Eve Franklin Susan Good Mona Jamison Laura Pettet Susan Raph George Watson Representative of Business League of Massage Therapy & Bodywork
<b>Group 3 – Public-Professional Membership Balance</b>	Robin Cunningham Shelly Engler Rose Hughes Margaret Morgan Glenn Oppel Representative of Business League of Massage Therapy & Bodywork
<b>Group 4 – Rulemaking</b>	Elsie Arntzen Casey Blumenthal Robin Cunningham Sandra Dickenson Shelly Engler Pat Fournier Eve Franklin Rose Hughes Mona Jamison Margaret Morgan Kent Watson Representative of Business League of Massage Therapy & Bodywork
<b>Group 5 – New Board Creation</b>	Elsie Arntzen Paul Clark Shelly Engler Don Hargrove Representative of Business League of Massage Therapy & Bodywork