

SJR 35 Bill Draft Explanations

Revised August 28, 2006. The subcommittee on SJR 35 directed the three bills become two. NEW provisions marked.

Bill#	Section#	Provisions
7799 New sunrise (blue)	Whereas clauses	Emphasizes public health, safety, or welfare/common good and the benefit of advance information in understanding costs.
	Section 1	a) Reiterates purpose for health, safety, welfare. b) Acknowledges professions or occupations with special skills. c) Notes complaint and competency mechanisms of licensing.
	Section 2 Partially NEW	Heading - Substitutes "create" for "license" Subsections (1 and 2) Give rationale for board through letter of intent - using sunrise provisions from old sunrise statute and other states. Sets limits on words. Subsection (3) revised and expanded to cover department assistance in developing cost estimates. Earlier bill drafts that provided for a fee to the department and no charge to a legislator considered unworkable because of ease of avoiding charge if requester goes straight to a legislator. Charging after the fact is unconstitutional (retrospective & unequal treatment).
	Section 3	Provides that a proposal to license a profession or occupation by joining it with another board or profession requires same letter of intent as a wholly new board.
	Section 4 NEW	Substitutes provisions from Section 2 from LC9832 (of 7/21/06 -- now otherwise defunct) for similar provisions that had been in LC 7799. Subsection (1) Provides time requirement. Gives an interim committee responsibility for monitoring boards. Subsection (2) provides that "need" and financial solvency are review criteria. Need includes potential harm from improper practice and the exercise of skills that make evaluation of competency difficult. Subsection (3) gives options to: -- terminate if need for board is not obvious; or -- combine with another board if board is needed but financial solvency is a problem, based on a similar board being available, or fewer than 200 licensees; or no/limited number of complaints. (The number 200 is based on all but 4 boards having more than 200 licensees and high license fees.) Subsection (4) Allows committee to propose legislation to administratively attach board or program to a different department.
	Section 5 NEW	From Section 3 of LC9832 (7-21-06 version). Provides process for collecting/using licensing fees if board or program is to be terminated.
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<p>9831 generally revises -- provides for joint meetings, removes quasi-judicial reference for 5 boards (only ones to have that), changes Board of Athletics to a program, adds to types of combat covered under athletics, combines Board of Architects and Landscape Architects, terminates program for athletic agents. (salmon)</p>	Section 1.	<p>Subsection 1 - Requires department to convene joint meeting once every 2 years of 2 or more boards that:</p> <ul style="list-style-type: none"> -have licensees with dual licensure in related professions/occupations; -have licensees with similar scopes of practices, or -have issues of joint concern or jurisdiction. <p>Subsection 2 - Says quorum not required but that one member from each board is to attend.</p> <p>Subsection 3 - Requires report by department to interim committee on issues of concern and attendance.</p>
	Sections 2, 3, 4, 5.	Removes quasi-judicial authority from these board because not needed if department's authority used. Also quasi-judicial authority involves specific board appointment criteria that ties board members directly to governor's term. Policy choice of whether that is needed.
	Section 6.	Combines Board of Architects and Board of Landscape Architects. Result: expands board of architects to 6 members by adding 2 landscape architects.
	Section 7.	Changes terms for Board of Architects to become a program and expands licensure to include combative arts like martial arts, with other combative practice to be defined by department. Defines contestant to include professional or semiprofessionals in combative arts.
	Section 8.	Changes board to department for assigning representative to attend, supervise, and enforce rules at contest or exhibition.
	Section 9.	Changes board to department for jurisdiction over professional or semiprofessional combative events except for university, college, high school or military. Removes restriction for contestants under 16 years old by a recognized amateur association.
	Sections 10, 11, 12, 13, 14	Changes board to department and includes combative events. Changes word "athlete" to "contestant", which is defined.
	Section 15.	Adds to procedure for department to do if board "cannot operate in a cost-effective manner". Includes suspending board activities except for license renewal services and requiring a review of whether there is a need for a board . Requires recommendations for legislation to revise board's operations. Permits one-time charge against licensees by the department - notwithstanding administrative attachment provision - so that licensees are responsible for fixing cost overruns.
	Section 16.	Specifies that a licensing board is not quasi-judicial. (included to avoid inclusion in future bill drafting)

Sections 17 through 20.	Fixes are needed to combine Board of Architects and Board of Landscape Architects. Legislation could either provide new chapter combining both or keep existing chapters and change wording. The latter is done here.
Section 21.	No reference currently to how department is to handle money for Board of Landscape Architects. Keeps reference same for landscape architects as for architects.
Section 22.	Repeals statutes creating Board of Landscape Architects 2-15-1762; Board of Athletics 2-15-1772; Title 37, chapter 66, part 2 dealing with Landscape Architects board; Title 37, chapter 76 dealing with Athletic Agents.

The miscellaneous bill, LC 9831, incorporates proposal priority #14 that the Department of Labor and Industry submitted to the Governor's Office during the budget process, with the exception that the bill repeals activities related to the Athletic Agent program instead of combining Athletic Agents with the Athletics Program, as revised from the Board of Athletics.