

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

February 7, 1979

The nineteenth meeting of the Senate State Administration Committee was called to order by Senator Pete Story, Chairman, on the above date, in Room 442 of the State Capitol Building.

ROLL CALL: All members of the Committee were present.

CONSIDERATION OF SENATE BILL No. 247: The Chairman called on Senator Matt Himsl, Kalispell, sponsor of the bill, to present his testimony.

Senator Himsl began by explaining this bill developed out of the Legislative Audit Committee in compliance with the sunset law passed two years ago. Going into the background of the sunset law and the review procedure it provided for, he read the report of the committee on boards on which the review was completed and the recommendations for each of these. In compliance with the sunset law, only a portion of the boards and commissions were studied this biennium, with the balance to be done over the next four years. In order for the necessary functions of any board to continue to be carried out, the concept of an impartial board to oversee these functions was developed. It was thought best to separate the trade boards from the professions and the health service boards; so, the philosophy of the "super board" came into being, with trade boards being transferred to the Department of Administration under a "Board of Public Safety". The professional boards would go to the Department of Business Regulation under a "Board of Professional Service Regulation", and the health services and care would be transferred to the Dept. of Health under a "Board of Health Service Regulation". The Audit Committee Report and Recommendations is attached to these original minutes and was read by Senator Himsl at this point, along with the explanation accompanying the recommendations for each "sun-setted" board, being the abstractors, architects, accountants, electricians, plumbers, state banking board, county printing, landscape architects, warm air heating, ventilation and air conditioning, institutions, engineers and land surveyors and real estate. Upon transfer of these boards to a different state department, the present Department of Professional and Occupational Licensing would, essentially, be left with nothing to do, and so should terminate. He referred to a copy of the Governor's budget showing the amount of money spent to administer these boards and agencies which was raised by assessments and fees of the boards themselves, which is earmarked money. He stated most of these boards did not become active until the last few years when the possibility of extinction loomed on the horizon. He requested the committee to consider the dilemma the Legislative Audit Committee was faced with finding a home for these terminating agencies, but that the time element facing them might necessitate sending this to the other House in order to weed out problems with this new approach.

2-7-79

Senator Greg Jergeson, as a member of the Legislative Audit Committee, also sponsored the bill. He restated the sunset legislation passed last session and the desire to try to make it work for the good of the majority of the public. If this bill is killed, Senator Jergeson stated four things could happen: 1) the board could be reconstituted by a separate bill; 2) the make-up and functions could be changed; 3) transfer of functions and duties of a board to a different department or board could be effected; or 4) if nothing is done, the board will completely terminate and go out of existence. Whether or not SB 247 is passed, the occupation boards are still subject to study the next biennium. Passage would set up a means of having a home for the boards to go to; further work on the bill could be done in the House.

At this point, the chairman announced that all these other bills referred to have come into the committee or will come into the committee shortly and have been set up for hearing on February 16. He further explained the deadline facing the committee in getting these bills processed. Therefore, the bill will be held for action until all the other bills pertaining to the subject are heard. He then called for further proponents to the bill. Hearing none, opponents were called for.

Robert Cummins, attorney, Helena, Montana, Chairman of the Real Estate Board, presented his testimony in opposition to the bill, a copy of which is attached to these minutes and to which reference is made for further detail. He also proposed action was premature in that the sunset review process would not be complete until 1983.

Don (Roland) Pratt, Executive Director of the Montana Federal Home Assoc. and also representing the Montana Optometric Assoc., opposing the bill, addressed the point of lay people on these boards which deal with examination and licensing of professional people and that expertise in these fields is necessary not only for these purposes but also for conducting an examination.

Alfred F. Dougherty, attorney, representing the Montana Chiropractic Assoc., submitted his testimony in opposing the bill in writing, a copy of which is attached, and summarized it, stressing the points of lack of expertise by lay people on "super boards" and continuing education as now prescribed by their board.

Sonny Hanson, representing the Montana Technical Council, opposed the bill as stated in his written comments, a copy of which is attached. In representing the design professions, he brought up the point of reciprocity arrangements with other states which would be affected by this bill.

Ray Wayrynen, for the Montana Building and Construction Trades, and also the plumbers, electricians, heating, ventilation and air conditioning boards, endorsed the previous testimony objecting to the bill. He stated there has been legislation requested to re-establish these boards and that people representing these trades

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are present and available for questions.

Trudy (Gertrude) Malone, Montana State Board of Nursing, presented written testimony opposing SB 247, copy of which is attached to these minutes, and stressed the importance of competency in health care services and the point of reciprocity with other states in the nursing fields under the present examination procedures. Also brought out was that the nursing board suggests curriculum to the nursing schools and surveys these schools to see if they are complying to required standards.

Cliff Christian, Montana Assoc. of Realtors, opposed the measure as a further version of executive reorganization which has isolated state government from the general public. Regarding the statement made as to the sunset review not working in other states, he felt that letters of inquiry should have been sent out asking why it didn't work. He also advised that theirs was a public-dominated board until a few years ago when the Governor appointed another real estate broker.

Karl Sorenson, CPA representative, submitted his testimony opposing the bill in writing, copy of which is attached to these minutes, and stressed the point of expertise.

Wes Lindsay, Chairman of the Water Well Contractor's Board, submitted written testimony in opposition to the bill, copy of which is attached hereto. He felt their function of protecting the public was very important and changes proposed under SB 247 would be costly to the taxpayer, as well as risky in non-professional people trying to regulate this industry.

Kenneth Olsen, journeyman electrician on the State Electrical Board, testifying in opposition, submitted his comments in writing, copy of which is attached. He stated that the public health, safety and welfare would not best be served by a board of lay people who knew nothing about short cuts taken by certain people in the trade.

William A. Graves, member of the Montana State Barbers Board, opposed the bill, submitting his testimony in writing, copy of which is attached, together with a letter to the committee from Don Hawkinson, Secretary of the Board. They also objected to lay people serving on a professional board to the exclusion of any member of that profession, the amount of time these three-member boards would have to devote to the various problems arising from so many of the different boards and the effective date if this were enacted.

Marty Crennen, member of the Montana Board of Architects, submitted written testimony in opposition to SB 247, copy of which is attached. His concern was for these boards consisting entirely of lay people and the probable development of a sub-structure of "technical advisory boards" in order to properly manage a technical profession, thus creating another layer of bureaucracy.

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Shirley Thennis, Vice President of Montana Nurses Assoc., testified in opposition, submitting various comments, copy of which is attached. She expressed concern for the possible adverse repercussions from having a lay board considering accreditation of nursing schools, changing curriculum and possibly jeopardizing funding, with resulting decline in quality nursing care.

Dorothy Turner, Exec. Director of the Board of Cosmetologists, expressed the opposition of the Cosmetologists to SB 247; she felt this type of change would not save the state money. She submitted a letter to the committee from the lay member of their board which expressed the problems of someone unfamiliar with a profession trying to sit on such a board. This letter is attached for reference.

Ed Carney, Director of the Department of Professional & Occupational Licensing, stated he neither opposed or supported the bill, but was available to answer any questions. He submitted letters to the committee from Jack H. Severns, consumer member of the Board of Morticians, from Great Falls, and Dennis F. Dolan, Vice Chairman of the Board of Morticians, both requesting that SB 247 be killed.

Jerry Loendorf, representing the Montana Medical Association, submitted his testimony in opposition to the bill which is attached. He stated his objection was that the board would be composed of lay people

Allen R. Williams, representing the Montana AFL-CIO, submitted his testimony in writing opposing the bill, copy of which is attached. The ability of three boards effectively managing what 46 boards presently manage was questioned, as well as the board composition of people not involved in any of the professions being monitored.

William Tangen, representing the Board of Professional Engineers & Land Surveyors, stated they represent 3,000 people registered with their board. He pointed out the problem with professional certification on the national level and submitted his comments in writing opposing the bill, copy of which is attached. He also submitted the written comments objecting to SB 247 from Al Kersich, Chairman of the Board of Professional Engineers and Land Surveyors.

Becky Deschamps, representing the Montana Pharmaceutical Assoc., testified in opposition, questioned the financing of the boards to be set up under SB 247 in that the present board structure is entirely self-supporting by dues and fees, and that a change in status to a taxpayer-supported board will not save the state any money. She also mentioned the problem with a board of non-professionals and submitted written comments by Frank J. Davis, R. Ph., Executive Director of the Montana Pharmaceutical Assoc.

Joe Martin, Great Falls, representing the Montana Assoc. of Journeyman Plumbers, opposing the bill, stated a structure of "super boards" would not be a benefit to the public.

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Sonny Hanson, responding for Senator Jack Healy, who could not wait in the hall this long, wished to go on record in opposition to the bill.

Donald Kristensen, Chairman of the Board of Plumbers, expressed his opposition to the measure and submitted written testimony, copy of which is attached.

Scott Seacat, of the Legislative Auditor's office, advised they were responsible for the sunset audits and were available for questions.

Jack McLees, Bozeman, representing the Warm Air Heating, Ventilation and Air Conditioning Board, stated his opposition to the bill, mentioning the length of time required in learning to properly run a business or trade and that a three-member board would not be sufficiently knowledgeable to handle most problems.

John Hale, representing the National Assoc. of Electrical Inspectors, opposed the three-board concept as unworkable and that the public safety would not be protected in this manner. He also mentioned the fact of added expense each time a change is made which taxes the paying capacity of the workers who belong to that particular trade.

Responding to a show of hands, there were nine cosmetologists in the room.

Sherman Veltkamp, President of the Board of Public Accountants, was opposed to the bill, and addressed the point of a three-member board having adequate time to consider the problems relating to the various boards, particularly the professional questions that arise on licensing, etc.

Darrell Micken of Bozeman, representing the Audiologists, submitted his comments in opposition to SB 247 in writing, copy of which is attached.

Jerry Driscoll, representing the Laborer's Local #98, AFL-CIO, Billings, also wished to be on record in opposition to the bill.

There being no further opponents to testify, closing statement was called for.

Senator Himsl restated the favorable acceptance of the sunset concept from last session until now when it comes home to roost. Regarding the questions raised about licensing and recourse, he advised that a court of law is the proper place for decisions not resolved at a lower level. Addressing the health services, he acknowledged that the reviews of these boards had not yet occurred, but didn't think anyone should object to being attached to the Department of Health. He also stated saving money was not the objective of this process, but the question of whether or not the public was being served under the present structure. He stated the reciprocity provisions as relating to these various boards are established by law, not any individual board and that if a state sets up an agency to handle licensing,

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etc., of a profession, the national boards should accept that. He felt that most of the general public was not aware these various boards existed; and that their functions could easily be transferred to the department logically related to that particular trade or profession for administration. These boards are eliminated now under the sunset review, which some persons may misunderstand; and, if something is not done, they no longer exist. We have to put these boards some place, and this was our suggestion, he stated, closing with the comment that if the real interest was the public welfare rather than a self-serving interest, this is a solution.

Chairman Story then opened the hearing for questions from the committee.

Senator Hafferman questioned Senator Himsl on the sunset law, as did Senator Brown in asking why this method of implementation was used. Senator Himsl felt there would be no justification for the DPOL if administration of the larger boards were taken out. Senator Jergeson added that it was thought best if some of these boards were just terminated; that they served no justifiable purpose in protecting the public's health, safety or welfare. He also stated that consolidation of similar trades would promote more efficient administration and coordination between the licensing and the inspecting processes in the various trades.

Mr. Seacat of the Auditor's office advised that they had considered nine alternatives and seven different state agencies for these boards and offered to make this material available.

The Chairman asked if the Auditor would furnish this information and questioned if there would be a way to reestablish these boards under the existing DPOL.

Ed Carney, Director of DPOL, advised there were bills introduced dealing with most of these boards, except the abstractors, and that each was handled separately.

The Chairman expressed concern in unintentionally sunseting someone if the Committee was not aware of or failed to consider all of these various boards. Mr. Seacat advised the sunset law states that a separate bill is necessary in order to reestablish any of these boards; Senator Himsl added he thought there were eight presently introduced.

Senator Story questioned if these were asking for reestablishment under a board of professional licensing, to which Sonny Hanson responded that they were requesting reestablishment as they presently exist under the DPOL.

There being no further questions by the Committee, the Chairman closed the hearing on Senate Bill No. 247 and advised his intent to hear all other bills pertaining to this subject at one time in order to have a clear, overall picture of the entire situation so that no one will unintentionally be overlooked.

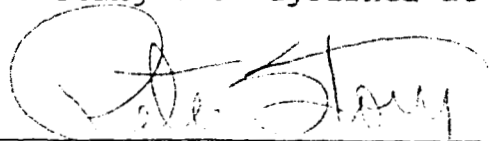
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Senator Jean Turnage presented proposed amendments for Senate Bill No. 199, which he sponsored in this Committee, explaining that he had worked these out with Larry Nachtsheim on the funding aspect.

The Chairman further explained the schedule for the Committee in order to get all of its bills processed by the designated deadline; a short discussion followed regarding the Governor's appointees.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 12:00 noon.

A handwritten signature in dark ink, appearing to read "Pete Story", is written over a horizontal line.

SENATOR PETE STORY, Chairman

Date Feb 7, 1979

ROLL CALL

STATE ADMINISTRATION COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Senator Pete Story, Chairman	✓		
Senator George F. Roskie, V. Chmn.	✓		
Senator Bob Brown	✓		
Senator A. T. (Tom) Rasmussen	✓		
Senator Patrick L. Ryan	✓		
Senator Greg Jergeson	✓		
Senator William F. Hafferman	✓		

Each Day Attach to Minutes.

DATE FEBRUARY 7, 1979

COMMITTEE ON

SENATE STATE ADMINISTRATION

SENATE BILL No. 247

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
WILL GRAVES	BOARD OF BARBERS	247		✓
Dorothy TURNER	Cosmetologists	247		✓
Flourie A. Deek	COSMETOLOGISTS	247		✓
EDWARD B. MATHAN	COSMETOLOGISTS	247		✓
Agnes LaRue	COSMETOLOGISTS	247		✓
LEANOR Whitizing	COSMETOLOGISTS	247		✓
EMALDINE SORENSON	COSMETOLOGISTS	247		✓
Roland D PRATT	Int Funeral Directors Int Optometric Assoc	247		✓
EARL SORENSON	MONT SOCIETY C.P.A.'s	247		✓
Walter Cummings	Board Local State	247		✓
Lois Hoss	Mont Soc of CPWA	247		✓
IS Kasper	Mont Fed. Comm	247		✓
Senator Jack Heath	Ref	247		✓
Joseph J. Martin	Mont. Assoc of Foremen	247		✓
Walter Cramer	Board of Architects	247		✓
Walter M. M. M. M.	Plumbers # 41	247		✓
RAY WAYBYNEN	Bld + Const. Trades	247		✓
WILL TANGEN	Engineers & Land Surveyors	247		✓
Harrell Micken	Audiology - Mt. S.S. Society	247		✓
W. T. Lander	Mt. Medical Soc.	247		✓
Jane C. SUTHER	AUDIOLOGY	247		✓
W. Williams	AFL-CIO	247		✓
W. S. S.	Dept of P.O.L	247		✓
W. S. S.	Laborers Local #98	247		✓
W. S. S.	IBEW 768	247		✓
W. S. S.	Mt. St. Bld. Trades	247		X

DATE (FEBRUARY 7, 1979

COMMITTEE ON

SENATE STATE ADMINISTRATION

SENATE BILL No. 247

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check Support
John W. Bartlett	Mt. Foundation Med Soc	247	
Dudley J. Rose	Mt. Foundation Med Soc	247	
Jack McLean	Warm air Bld	247	
R. C. Carson	Sheet Metal Local 703	247	
Ulford T. Powell	Plumber	247	
Everett C. Rogers	Fitter-Plumber	247	
Jack Williams	CPA	247	
Pick Morgan	CPA	247	
C. R. Thensen	Senato	247	✓
Herman V. Vithkamp	Board of Public Accounting	247	
Paul G. Barnhart	L. P. N.	247	
Rose Hunsford	L. P. N.	247	
Glenn M. Mattell	L. G. N. + Mt. St. of Nursing	247	
Edith Bullock	Spn	247	
B. F. Newcomb, DVM	Mont. Veterinary Med. Assn.	247	
Steen Jensen Audiologist	Self	247	
Michael J. Wizenko	State Plumbing Board	247	
Donald Kristensen	State Plumbing Board	247	
Kenneth T. Olsen	State Edge Bed	247	
Wray M. Olson	State Cosmetologist Assn.	247	
Shirley Thennis	Montana Nurses Assn.	247	
Katyde Malone	State Board of Nursing	247	
Paul Evans	—	247	
W. H. H. H.	Montana Nurses Assn.	247	
Robert H. Dahl, D.C.	Mont. Chiropractors Assn.	247	
Wesley Guidry	Water Well Contr.	247	
W. G. H. H.	Mont. Assoc. of Realtors	247	

PHILOSOPHY

1. If you believe protection of the public is the primary purpose for state licensing--then you'll be interested in a change--a plan--a board licensing system where the direction is under public members--not self serving members.

2. If you think it is a proper function of state police powers--Health, Morals, Safety or General Welfare to protect practitioners--to limit entry into their field of operation--then you'll reason that the licensing board should be composed of those in the business.

3. It should be recognized that qualifications and training standards are already set by schools, training programs, professional organizations, and there is convincing evidence that many existing boards do not police performance, do not generally have continuing education, do not generally respond to public problems or complaints, or even set their own standards--standards seem to be set for many by national organizations or standard examinations.

1. Abstractors Board 3 members--all abstractors
65 plants in state ^{105 abstractors} law--abstractor in charge
5 plants with no licensed abstractor--in neighboring co.
only 5 out of 14 western states regulate abstractors
One company own 14 of 65 plants (Ch. of Board of Abstractors)
25 of the rest of the plants sell title insurance by
his company
Certificate of authority never has been revoked.
59 of 65 report title insurance major service
5 say 100%
Title Insurance required by Banks, Savings & Loan,
Federal Land Bank, FHA & Veterans, Board of
Investments, Federal National Mortgage Association
TERMINATE THE BOARD--REGULATE THE PLANTS
2. Board of Architects--3 members--all architects
545 licensed--220 in Montana (40%) 325 out-of-state
43% of them in Montana do not belong to the State AIA
chapter
Use standard National Council Exam
No license revoked in the past 25 years
License required only for public ^{financed} building--& public
building bonded
CONTINUE--MAY GO UNDER "SUPER BOARD"
3. Board of Public Accountants-- 5 members-- 3 CPA--2 LPA's
About 900 CPA and 150 LPA. Grandfathered
No record of license being revoked
Law allows attest function (audit) by either CPA or LPA
No public complaint only by members

Problem--title--bookkeepers, accountant, LPA-CPA?

Standard test used

CONTINUE--MAY GO UNDER "SUPER-BOARD"

4. Board of Electricians

5 member Board Master-Journeyman, 2 members of power
providers, 1 public member

Administer test to qualified -- no follow up.

Inspection by Building Code Inspection

Apprenticeship not controlled by board--but by Labor
& Industry Department

9 cities have their own code inspectors

TERMINATE BOARD--UNDER PUBLIC SAFETY

5. Board of Plumbers--Board, 7 members--353 master plumbers

885 journeymen

Do not cover--home owners, mines, mills, smelters,
refineries, public utilities, railroads or farms

Revoked only 1 license since 1949 (that was in 1975)

License but inspection by Building Codes Division

4 year apprenticeship program--limits supply

9 cities have their own code inspectors

TERMINATE BOARD--UNDER PUBLIC SAFETY

6. State Banking Board

7 member Board--by Governor--3 public members, 2 state banks

Director votes on tie 1 National Bank---Ch., Dir. of Dept.

Charter only state banks

Since 1973--Board charter ~~power~~ -- 11 new state banks

3 more denied

No Power over banks -- just charter.

No power over Savings & Loan & Credit Unions -- Charter
by Department

CONTINUE

7. Board of County Printing -- Since 1895

A. County government had to purchase printing & legal
notices from newspapers & printing house in the
county

B. 5 member commission 2 printers--2 government,
1 public

Has been inactive 1969-1975--under Dept. of Community
Affairs

1975 increased charges using 1969 Franklin Printing Price
Catalog, but added 20%--which is what it is today

C. Does not cover state, city, school district printing

D. What is printing?

TERMINATE

8. Board of Landscape Architects --5 members--only 15 in the state
Licensed in Montana in 1975--were licensed in only 17 states
by 1970

Licensed operators not required

65 licensed in Mont--64 grandfathered--6 took exam--
only 1 passed

Board abolished in Colorado, Oregon--trend is away from
licensing--tie vote in Texas. Calif-Nevada licensing
not necessary b ut bill to terminate did not pass

TERMINATE

9. Board of Warm Air & Air Conditioning 7 members

Tied up in court--law declared unconstitutional

No exam given

293 mechanics grandfathered

10 out of 19 Western states leave regulation to local
committees

Exemptions--Railroads, Smelters, Mines, Mills, self-
owned-routine business

TERMINATE--UNDER PUBLIC SAFETY

10. Board of Institutions 5 members -- 1 had to be an
attorney

Only advisory--met once in 1st 8 months of 1978

One member has never visited an institution

TERMINATE

11. Board of Engineers & Land Surveyors 7 members--

5 engineers, 2 surveyors--5 year term

60% are non-resident

20% of land surveyors are grandfathered

complaints not acted on

TERMINATE--BOARD OF PUBLIC SAFETY

12. Real Estate Board 5 members -- 3 public, 2 realtors

Brokers--42% grandfathered

Not acted on complaints--turned them to Business Regulations

No licenses lifted--2 suspended--37 reprimands--

Cease and Desist on 26 complaints

TERMINATE MEMBERS--UNDER DEPT. OF BUSINESS REGULATION

13. Investment--Auditors office--CONTINUED

14. Auditors office-- CONTINUED

TABLE XIV

THE BOARD'S REGULATORY ACTIVITIES
Fiscal Year 1975

<u>Board</u>	<u>Investigators or Inspectors Employed</u>	<u>Disciplinary Hearings</u>	<u>Licenses Suspended or Revoked, FY 1975*</u>
Abstracters	Board members	0	0
Architects	0	0	0
Barbers	Board members	0	0
Chiropractors	0	0	0
Cosmetologists	1	0	1
Dentists	0	0	0
Electricians	12	0	0
Hearing Aid Dispensers	0	0	0
Landscape Architects	Law effective 7-1-75		
Masseurs	0	0	0
Medical Examiners	3 part-time	0	2
Morticians	Board members	0	0
Nurses	2 part-time	0	3
Nursing Home Administrators	0	0	0
Optometrists	0	0	0
Osteopaths	0	0	0
Pharmacists	1	0	0
Plumbers	1	1	0
Private Investigators	0	0	0
Professional Engineers & Land Surveyors	2	0	1
Psychologists	0	0	0
Public Accountants	0	1	1
Real Estate	2	3	2
Sanitarians	0	0	0
Speech Pathologists	Law effective 7-1-75		
Veterinarians	1	1	0
Heating, Ventilation and Air Conditioning	Law effective 7-1-75		
Water Well Contractors	1	0	0
Horse Racing	0	1	1
Athletics	0	0	0

*Some of these suspensions and revocations were done in informal hearings; the licensee voluntarily surrendered the license.

Source: Information supplied by Mr. Ed Carney, Director of Department of Professional and Occupational Licensing and the secretaries of each board.

BOARD CONSOLIDATION CONCEPT
ALL BOARDS, DEPARTMENTS, AGENCIES
SUBJECT TO SUNSET LAW

TRANSFERRED TO	BOARDS PRESENTLY UNDER THE DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING (DPOL)			SUNSET BOARD/AGENCIES NOT UNDER DPOL () Indicates Sunset Cycle
	1st Cycle Sunset Boards	2nd Cycle Sunset Boards	3rd Cycle Sunset Boards	
DEPARTMENT OF ADMINISTRATION Under the Board of Public Safety (Consolidated Board)	State Electrical Board Board of Plumbers Board of Warm Air Heating, Vent- ilation and Air Conditioning		Board of Water Well Contractors	
DEPARTMENT OF BUSINESS REGULATION Under the Board of Profes- sional Service Regulation (Consolidated Board)	Board of Architects Board of Profes- sional Engineers and Land Surveyors Board of Public Accountants			
OTHER BOARDS FUNCTIONS ATTACHED TO THE DEPART- MENT OF BUSINESS REGULATION	Board of Realty Regulation Regulation of Abstract Plants	Board of Athletics	Board of Horse Racing	State Banking Board (1st) Board of Aeronautics (3rd) Board of Hail Insurance (3rd) Board of Milk Control (3rd)
DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES Under the Board of Health Service Regulation (Consolidated Board)		Board of Nursing Board of Morticians Board of Chiropractors Board of Cosmetologists Board of Dentists Board of Hearing Aid Dispensers Board of Massage Therapists Board of Medical Examiners Board of Nursing Home Administrators Board of Optometrists Board of Osteopathic Physicians Board of Pharmacists Board of Podiatry Examiners Board of Psychologists		

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING

SUMMARY

	Actual FY 1978	Estimated FY 1979	Recommended FY 1980			Recommended FY 1981		
			Current Services	Level Modified Services	Total	Current Services	Level Modified Services	Total
FULL TIME EQUIVALENT	34.13	35.56	31.08	.00	31.08	31.08	.00	31.08

PROGRAM SUMMARY :

CENTRAL SERVICES	93,646	121,764	115,421	0	115,421	117,152	0	117,152
BD OF ABSTRACTORS	3,214	2,759	2,797	2,400	5,197	2,820	2,400	5,220
BD OF ARCHITECTS	11,333	12,361	12,588	0	12,588	12,951	0	12,951
BD OF ATHLETICS	1,509	1,065	1,364	500	1,864	1,384	500	1,884
BD OF BARBERS	19,414	21,289	21,781	0	21,781	21,934	0	21,934
BD OF CHIROPRACTORS	6,278	6,691	6,727	0	6,727	6,941	0	6,941
BD OF COSMETOLOGIST	62,196	75,891	68,706	0	68,706	69,188	0	69,188
BD OF DENTISTS	19,801	17,541	17,499	8,300	25,799	17,988	8,300	26,288
ELECTRICAL BOARD	50,366	60,374	48,302	0	48,302	48,757	0	48,757
BD OF HEARING AID	2,567	2,846	2,974	0	2,974	2,980	0	2,980
BD OF HORSE RACING	76,774	88,896	92,331	2,000	94,331	96,049	2,000	98,049
BD OF MASSAGE THERA	1,795	2,625	2,538	0	2,538	2,563	0	2,563
BD OF MEDICAL DOC	85,828	78,098	77,739	21,000	98,739	80,679	21,000	101,679
BD OF MORTICIANS	6,522	9,761	9,211	0	9,211	9,130	0	9,130
BD OF NURSING	84,310	106,848	106,708	7,326	114,034	101,281	9,944	111,225
BD OF NRSNG HME ADM	9,919	18,540	15,024	0	15,024	15,265	0	15,265
BD OF OPTOMETRISTS	8,122	8,525	8,774	0	8,774	8,958	0	8,958
BD OF OSTEOPATHIC PHYS	433	804	599	0	599	608	0	608
BD OF PHARMICISTS	49,308	58,015	54,499	0	54,499	55,127	0	55,127
BD OF PLUMBERS	21,736	44,277	38,670	0	38,670	39,214	0	39,214
BD OF PRO ENG. & L.S	43,848	55,547	50,400	0	50,400	51,477	0	51,477
BD OF PUB ACCOUNT	48,342	51,895	52,092	0	52,092	53,763	0	53,763
BD OF REAL ESTATE	124,337	175,563	132,622	0	132,622	133,634	0	133,634
BD OF VETERINARIANS	10,114	8,562	10,182	3,000	13,182	10,427	2,400	12,827
BD OF WATR WELL CON	8,700	8,001	7,195	2,500	9,695	7,432	2,000	9,432
BD OF PSYCHOLOGISTS	3,320	3,565	3,742	630	4,372	3,797	810	4,607
BD OF SANITARIANS	1,843	1,999	2,058	0	2,058	2,108	0	2,108
PRIVATE INVESTIGATORS	1,371	2,213	2,269	0	2,269	2,313	0	2,313
BD OF LAND SCPE ARC	6,390	3,138	3,317	3,100	6,417	3,401	3,300	6,701
BD OF CREDIT ADVISORS	273	273	273	0	273	273	0	273

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING

SUMMARY

	Actual FY 1978	Estimated FY 1979	Recommended FY 1980			Recommended FY 1981		
			Current Level Services	Modified Services	Total	Current Level Services	Modified Services	Total
SUMMARY CONTINUED								
BD OF PODIATRY EXAM	34	930	969	0	969	1,008	0	1,008
TOTAL BY PROGRAM	\$874,090	\$1,071,186	\$989,634	\$51,256	\$1,040,890	\$1,001,139	\$53,154	\$1,054,293
CATEGORY SUMMARY :								
Personal Services	394,790	544,929	501,741	0	501,741	495,770	0	495,770
Operating Expenses	398,498	430,206	387,499	49,756	437,255	400,659	52,654	453,313
Equipment	3,162	6,550	2,720	1,500	4,220	4,610	500	5,110
Total Operating Costs	796,450	981,685	891,960	51,256	943,216	901,039	53,154	954,193
Grants	500	500	500	0	500	500	0	500
Benefits & Claims	140	0	0	0	0	0	0	0
Transfers	77,000	89,001	97,174	0	97,174	99,600	0	99,600
TOTAL BY CATEGORY	\$874,090	\$1,071,186	\$989,634	\$51,256	\$1,040,890	\$1,001,139	\$53,154	\$1,054,293
FUNDING SUMMARY :								
Earmarked Revenue Fund	874,090	1,071,186	989,634	51,256	1,040,890	1,001,139	53,154	1,054,293
TOTAL BY FUND	\$874,090	\$1,071,186	\$989,634	\$51,256	\$1,040,890	\$1,001,139	\$53,154	\$1,054,293

Robert T. Cummings

2-7-79

Last Chance Helene

449 2961

Real Estate Board

247 -

SUPPORT?

A handwritten signature in black ink, consisting of a stylized capital letter 'K' followed by a horizontal stroke extending to the left.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

MR. CHAIRMAN AND COMMITTEE MEMBERS:

I AM ROBERT CUMMINS, CHAIRMAN OF THE REAL ESTATE BOARD--ONE OF THE REGULATORY BOARDS TO BE TERMINATED ON JULY 1, 1979.

THE BOARD HAS REVIEWED SEN. BILL 247. IN ITS SIMPLEST TERMS, THIS BILL PROPOSES TO ESTABLISH THREE "SUPER BOARDS" TO REGULATE APPROXIMATELY 25 TRADES, PROFESSIONS, AND INDUSTRIES THAT ARE CURRENTLY BEING REGULATED BY APPROXIMATELY 25 SEPARATE BOARDS. EACH SUPER BOARD WOULD HAVE THREE PUBLIC MEMBERS. THUS, EACH THREE-MEMBER BOARD WOULD BE EXPECTED TO REGULATE 8 TO 10 TRADES, PROFESSIONS, OR INDUSTRIES.

THESE BOARDS ARE CURRENTLY IN THE DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING (DPOL). A SEPARATE BILL THAT HAS NOT YET BEEN INTRODUCED ABOLISHES THE DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING AND TRANSFERS EACH BOARD CURRENTLY UNDER DPOL TO ONE OF THE THREE SUPER BOARDS ESTABLISHED BY SEN. BILL 247--THAT IS, ALL BOARDS EXCEPT THOSE TO BE TERMINATED ON JULY 1, 1979. IT IS OUR UNDERSTANDING THAT WHATEVER BOARD IS ESTABLISHED TO REGULATE THE REAL ESTATE INDUSTRY WILL BE TRANSFERRED TO THE DEPARTMENT OF BUSINESS REGULATION.

OPPOSED TO BILL

THE CURRENT BOARD IS OPPOSED TO THIS BILL BECAUSE WE DO NOT BELIEVE THAT THE THREE, THREE-MEMBER SUPER BOARDS PROPOSED WILL BE ABLE TO PROVIDE THE QUALITY OF REGULATION EXPECTED BY EITHER THE PUBLIC OR THE REPUTABLE COMPETENT LICENSEES BEING REGULATED.

THE BOARD OF REAL ESTATE MEETS ONCE EACH MONTH FOR TWO OR THREE DAYS, DEPENDING ON THE AGENDA. BY THE TIME BOARD MEMBERS TRAVEL TO AND FROM THE MEETINGS, THEY ARE AWAY FROM THEIR HOMES AND BUSINESSES AT LEAST THREE OR FOUR DAYS EACH MONTH. ADDITIONAL TIME IS SPENT DURING THE MONTH BY BOARD MEMBERS ANSWERING QUESTIONS OF LICENSEES AND OTHERS IN THE REAL ESTATE INDUSTRY, REVIEWING CORRESPONDENCE FROM THE ADMINISTRATIVE STAFF, AND PREPARING FOR THE NEXT MEETING. IF THESE SAME MEMBERS SERVED ON

SEVEN OR EIGHT OTHER BOARDS, AND EACH MET FOR TWO OR THREE DAYS EACH MONTH, THEY WOULD SPEND ALL OF THEIR TIME SERVING ON BOARDS. THEY WOULD BE, IN EFFECT, FULL TIME BOARDS MEMBERS. HOW MANY COMPETENT PERSONS WOULD BE INTERESTED IN SERVING AS A FULL TIME BOARD MEMBER CHARGED WITH REGULATING EIGHT TO TEN DIVERSE TRADES, PROFESSIONS, OR INDUSTRIES? SINCE YOUR ESTIMATE OF THE NUMBER MAY DEPEND ON THE PAY THE FULL TIME BOARD MEMBERS WOULD RECEIVE, LET'S REVIEW THEIR SCHEDULED PAY. IF WE ASSUME THAT THE BOARD WOULD NOT BE REQUIRED TO TRAVEL OR WORK ON WEEK-ENDS, THE MAXIMUM NUMBER OF WORK DAYS PER YEAR WOULD BE 260 (52 WEEKS TIMES 5 DAYS PER WEEK). IF ANOTHER 10 DAYS WERE SUBTRACTED FOR HOLIDAYS, ETC., THE MEMBER WOULD BE PAID FOR A MAXIMUM OF 250 DAYS. USING THE \$35.00 PER DAY COMPENSATIONS SET FORTH IN THE BILL, THE GROSS INCOME OF A FULL TIME SUPER BOARD MEMBER WOULD BE \$8,750. LET ME AGAIN ASK THE QUESTION, "HOW MANY COMPETENT PEOPLE WOULD BE INTERESTED IN SERVING AS A FULL TIME BOARD MEMBER CHARGED WITH REGULATING EIGHT TO TEN DIVERSE TRADES, PROFESSIONS, OR INDUSTRIES IF THE ANNUAL PAY WOULD BE NO MORE THAN \$8,750?"

WE HAVE OBSERVED NO SHORTAGE OF CAPABLE INDIVIDUALS WILLING TO SERVE ON A BOARD TWO OR THREE DAYS PER MONTH IF THEY FEEL THEY ARE CONTRIBUTING TO AN EFFORT THEY ARE INTERESTED IN. AND MOST OF THESE BOARD MEMBERS HAVE SERVED FOR \$7.50 PER HALF DAY. IT IS QUITE ANOTHER MATTER TO EXPECT CAPABLE INDIVIDUALS TO PUT THEIR CAREERS "ON HOLD" FOR FOUR OR FIVE YEARS FOR \$8,750 PER YEAR;

DOES THIS IMPLY THAT ONLY RETIRED PERSONS CAN AFFORD TO ACCEPT BOARD POSITIONS? TO MINIMIZE TRAVEL TIME AND EXPENSE, WOULD A SECOND CRITERION FOR SELECTION OF SUPER BOARD MEMBERS BE THAT ALL BOARD MEMBERS BE RESIDENTS OF THE SAME COMMUNITY--SUCH AS HELENA?

NEED FIVE BOARD MEMBERS

ASSUMING THAT THE DIFFICULTY OF OBTAINING CAPABLE BOARD MEMBERS FOR \$8,750 PER YEAR CAN BE OVERCOME, THE SMALL NUMBER OF MEMBERS ON EACH BOARD APPEARS TO BE ANOTHER SHORTCOMING OF THIS BILL. WE BELIEVE THAT A FOUR- OR FIVE-MEMBER BOARD WOULD PROVE TO BE MUCH MORE EFFECTIVE AND EFFICIENT. WITH A THREE-MEMBER BOARD, INCLUDING A NON-VOTING CHAIRPERSON, THE BUSINESS OF THE BOARD WOULD BE CONDUCTED BY ONLY TWO MEMBERS. THUS, TWO MEMBERS OF THE BOARD WOULD BE EXPECTED TO BECOME FAMILIAR WITH EIGHT TO TEN DIVERSE TRADES, PROFESSIONS, AND INDUSTRIES SO THEY COULD ASK PERTINENT QUESTIONS DURING MEETINGS AND HEARINGS IN THEIR EFFORT TO PROTECT THE PUBLIC AND STILL BE FAIR TO LICENSEES. IF ONE BOARD MEMBER WAS ABSENT, BUSINESS COULD NOT BE CONDUCTED BECAUSE ONE MEMBER CANNOT MAKE AND SECOND THE SAME MOTION. AGAIN, THE CHAIRPERSON CAN NEITHER MAKE NOR SECOND MOTIONS, NOR ENTER INTO DISCUSSIONS.

WHILE A FOUR-MEMBER BOARD WOULD APPEAR TO BE THE MINIMUM WORKABLE NUMBER, WE WOULD PROPOSE THAT A FIVE-MEMBER BOARD BE ESTABLISHED TO ASSURE THE "CRITICAL MASS" SO NECESSARY IN FERRETING OUT THE RELEVANT AND PERTINENT POINTS PRIOR TO DECIDING ON ISSUES AFFECTING PUBLIC PROTECTION AS WELL AS LICENSING AND LIVELIHOODS OF LICENSEES AND APPLICANTS. EVEN IF FIVE-MEMBER BOARDS WERE ESTABLISHED FOR EACH OF THE THREE BOARDS CALLED FOR IN THIS BILL, THERE WOULD BE ONLY 15 BOARD MEMBERS IN TOTAL. THE 25 BOARDS TO BE REPLACED BY THE THREE SUPER BOARDS HAVE APPROXIMATELY 125 BOARD MEMBERS.

FAVOR AN ALL PUBLIC MEMBER BOARD

THE BOARD IS STRONGLY IN FAVOR OF HAVING AT LEAST A MAJORITY OF THE MEMBERS OF WHATEVER BOARD ENDS UP REGULATING THE REAL ESTATE LICENSEES BEING REPRESENTATIVES OF THE PUBLIC. IN FACT, WE WOULD PREFER THAT ALL BOARD MEMBERS BE REPRESENTATIVES OF THE PUBLIC. WE DO NOT BELIEVE THAT IT WOULD BE IN THE BEST INTEREST OF EITHER THE PUBLIC OR THE REAL ESTATE INDUSTRY TO HAVE A SEGMENT OF THE LICENSEES CONTROL THE BOARD. THE

MONTANA ASSOCIATION OF REALTORS (MAR) APPARENTLY DOES NOT CONCUR WITH THE BOARD ON THIS MATTER, THOUGH. THEY HAVE LOBBIED FOR AND HAVE BEEN SUCCESSFUL IN REQUIRING THAT MORE AND MORE OF THE MEMBERS OF THE CURRENT FIVE-MEMBER BOARD BE LICENSEES. PRESENTLY, THREE OF FIVE OF THE BOARD MEMBERS ARE REPRESENTATIVES OF THE INDUSTRY. MAR STRONGLY SUPPORTED HOUSE BILL 286 INTRODUCED EARLIER THIS SESSION. THIS BILL CALLS FOR FOUR OF THE FIVE MEMBERS OF THE BOARD OF REAL ESTATE TO BE REAL ESTATE LICENSEES. THREE OF THE FOUR LICENSEES "MUST BE SELECTED FROM A LIST OF ELIGIBLE PERSONS SUBMITTED BY THE REALTORS' PROFESSIONAL ORGANIZATION" i.e., MAR!! OF A FIVE-MEMBER BOARD CHARGED WITH PROTECTING THE PUBLIC, THIS BILL WOULD HAVE STACKED FOUR REPRESENTATIVES OF THE INDUSTRY AGAINST A SINGLE REPRESENTATIVE OF THE PUBLIC.. AND SINCE THE REAL ESTATE LICENSE ACT REQUIRES THAT THE CHAIRMAN OF THE BOARD BE A REPRESENTATIVE OF THE PUBLIC (SEC. 37-51-201 (4), MCA 1978), THE PUBLIC MEMBER WOULD BE PREVENTED FROM MAKING MOTIONS OR DISCUSSING MATTERS BROUGHT BEFORE THE BOARD. BECAUSE OF THE REQUIREMENT THAT THE CHAIRMAN BE A REPRESENTATIVE OF THE PUBLIC, THREE OF THE FIVE BOARD MEMBERS MUST BE PUBLIC MEMBERS TO PROTECT THE PUBLIC INTEREST. SUCH A BOARD COMPOSITION WOULD RESULT IN THERE BEING TWO PUBLIC AND TWO INDUSTRY REPRESENTATIVES TO MAKE, DISCUSS, AND VOTE ON MOTIONS. ONLY IN CASE OF A TIE VOTE COULD THE CHAIRMAN VOTE.

EFFECTIVE DATE JULY 1, 1979

ANOTHER PROVISION WE WOULD SUPPORT IN A BILL TO REGULATE THE REAL ESTATE INDUSTRY IS A JULY 1, 1979, EFFECTIVE DATE. SUCH AN EFFECTIVE DATE WOULD BE SUPPORTED FOR SEVERAL REASONS, INCLUDING (1) IT WOULD ALLOW THE GOVERNOR TIME TO SEARCH FOR AND APPOINT THE BEST POSSIBLE MEMBERS TO THE BOARD, (2) IT WOULD ALLOW APPOINTEES TIME TO FAMILIARIZE THEMSELVES WITH THEIR RESPONSIBILITIES BEFORE THEY ARE CALLED UPON TO MAKE THE RECURRING HARD DECISIONS INVOLVING PROTECTION OF THE PUBLIC AND LICENSURE OF THOSE WANTING TO EARN A LIVING AS A REAL ESTATE AGENT, (3) IT WOULD COINCIDE WITH THE TERMINATION DATE CALLED FOR IN THE SUNSET PERFORMANCE REVIEW

REPORT, AND (4) IT WOULD PREVENT THE ADMINISTRATIVE FUNCTIONS OF THE BOARD INCLUDING TESTING OF APPLICANTS AND ISSUANCE OF LICENSES, FROM BEING PLACED IN LIMBO UNTIL A NEW BOARD IS APPOINTED, CERTIFIED, AND BECOMES OPERATIONAL. NOT ALLOWING ADEQUATE TIME FOR TRANSFERRING THE REGULATORY FUNCTIONS OF THE CURRENT BOARD OF REAL ESTATE TO THE NEW BOARD WOULD RESULT IN NEEDLESS DISRUPTION TO THE REAL ESTATE INDUSTRY.

NEED FOR ADEQUATE FUNDING

THE FINAL POINT WE WISH TO MAKE IS THAT THE BOARD AND ITS ADMINISTRATIVE STAFF MUST BE ADEQUATELY FUNDED TO CARRY OUT ITS RESPONSIBILITY OF PROTECTING THE PUBLIC. IN RECENT YEARS THE CURRENT BOARD HAS BEEN FRUSTRATED IN ITS EFFORTS TO SPEND ITS OWN FUNDS TIED UP IN AN EARMARKED REVENUE FUND. THESE FUNDS WERE NEEDED TO HIRE SUFFICIENT ADMINISTRATIVE AND INVESTIGATIVE PERSONNEL. IN "CATCH-22" FASHION, THE BOARD AND ITS STAFF WAS CRITICIZED BY THE LEGISLATIVE AUDITOR IN THE RECENT SUNSET PERFORMANCE REVIEW WITH AUDITING TOO FEW BROKER TRUST ACCOUNTS AND CONDUCTING TOO FEW FIELD INVESTIGATIONS. AT THE SAME TIME, THE BOARD WAS CRITICIZED FOR ALLOWING THE BALANCE IN ITS EARMARKED REVENUE ACCOUNT TO INCREASE DURING THE SAME PERIOD THAT THE LEVEL OF ITS EXPENDITURES WAS FROZEN AT A PRIOR YEAR'S LEVEL. THIS INCREASE WOULD NOT HAVE OCCURRED HAD THE ADMINISTRATIVE AND INVESTIGATIVE STAFF BEEN EXPANDED TO KEEP PACE WITH THE RAPIDLY EXPANDING NUMBER OF LICENSEES. INSTEAD, THE SUPPORT STAFF WAS CUT FROM 7 IN 1975 TO 4 IN 1978 EVEN THOUGH THE NUMBER OF LICENSEES NEARLY DOUBLED DURING THIS THREE YEAR PERIOD -- FROM 2,200 IN 1975 TO 4,100 IN 1978.

IN ADDITION TO BEING ABLE TO LEVY FEES, THE BOARD SHOULD BE GIVEN AN EFFECTIVE VOICE IN DETERMINING ITS BUDGET LEVEL. THIS IS PRESENTLY A SOLE FUNCTION OF THE SUPPORTING DEPARTMENT. UNLESS THE BOARD HAS SUFFICIENT FUNDING TO AUDIT TRUST ACCOUNTS, FIELD INVESTIGATE COMPLAINTS AGAINST LICENSEES, AND PURSUE HEARINGS TO THEIR CONCLUSION, THE "POLICE EFFECT" OF THE BOARD WILL CONTINUE TO DECLINE. AT THIS POINT IN TIME THE THREAT OF BOARD ACTION STILL KEEPS THE VAST MAJORITY OF LICENSEES IN LINE. ^{BUT} _A SOME INDIVIDUALS APPARENTLY SEE NO HARM IN CONTINUING TO WITHHOLD FUNDS FROM THE BOARD -- FUNDS THAT WERE COLLECTED FROM LICENSEES TO FINANCE THE OPERATION OF THE BOARD AND ITS STAFF AND TO INVESTIGATE AND PROSECUTE THOSE CHARGED WITH VIOLATING PROVISIONS OF THE REAL ESTATE LICENSE ACT. HOWEVER, IN TIME, THIS FALSE ECONOMY WILL RESULT IN THE BOARD BECOMING TOTALLY INEFFECTIVE IN DETERRING VIOLATIONS OF THE LICENSE ACT. THIS WILL HARM BOTH THE PUBLIC AND THE VAST MAJORITY OF LICENSEES WHO ARE HONEST, COMPETENT, AND TRUSTWORTHY.

WAIT FOR BILL ESTABLISHING BOARD OF REALTY REGULATION

RATHER THAN SUPPORTING EITHER HOUSE BILL 286 OR THIS BILL, THE BOARD OF REAL ESTATE IS WAITING TO SUPPORT ANOTHER BILL TO BE INTRODUCED THAT WAS REQUESTED BY THE LEGISLATIVE AUDIT COMMITTEE. THE DRAFT OF THE BILL WE REVIEWED CALLS FOR ABOLISHMENT OF THE BOARD OF REAL ESTATE AND CREATION OF THE BOARD OF REALTY REGULATION IN THE DEPARTMENT OF BUSINESS REGULATION. FIVE BOARD MEMBERS ARE CALLED FOR -- THREE PUBLIC AND TWO INDUSTRY REPRESENTATIVES.

WE WOULD RESPECTFULLY REQUEST THAT THIS BILL BE DISCUSSED BEFORE THE REAL ESTATE INDUSTRY REGULATION ISSUE IS DECIDED.

NAME: :

DATE: _____

ADDRESS :

PHONE :

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Al. Dougherty DATE: 7 (11.71)

ADDRESS: Fla 55 - Miami

PHONE: 162-16

REPRESENTING WHOM? Montana Chiropractic Association

APPEARING ON WHICH PROPOSAL: SB 247

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: _____

Exhibit A submitted 11/11/71
to the committee.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

ALFRED F. DOUGHERTY

ATTORNEY AT LAW

P. O. BOX 593

HELENA, MONTANA 59601

TELEPHONE 406/ 442-1440

SUITE 6 - GRANITE BUILDING - 30 1/2 NORTH MAIN STREET

7 February 1979

STATEMENT TO THE SENATE COMMITTEE ON STATE ADMINISTRATION
IN OPPOSITION TO SENATE BILL NO. 247
ON BEHALF OF MONTANA CHIROPRACTIC ASSOCIATION

The Montana Chiropractic Association is understandably vitally concerned with maintaining a high standard of excellence in the service of the chiropractic profession to the public. Substantial elements in the maintenance of such service are (1) the admission to practice of only those persons who are clearly qualified by education and training and as exemplified by successful completion of qualifying examinations, (2) postgraduate education on a continuing basis, and (3) practice in the best interests of the public.

The people of Montana initiated the chiropractic practice act by their vote at the polls in November, 1918. (Incidentally, I believe chiropractic is the only health service profession whose licensing act originated with the people through an initiative, rather than by an act of the Legislature.) That act - Title 37, Chapter 12, MCA - sets forth qualifications for examination, requires continuing education, and provides penalties for unprofessional conduct by licensees.

The "Sunset Act" of 1977, in particular Section 2-8-103 MCA, does provide for automatic termination of the Board of Chiropractors on July 1, 1981, unless the 1981 Legislature determines - after review by the legislative audit committee - to re-establish the Board.

We must bear in mind there has as yet been no determination by the legislative audit committee what the fate of the Board of Chiropractors will be.

For purposes of discussion let us assume two alternative options which may result from the "Sunset Review."

OPTION No. 1: Assume the legislative audit committee recommends termination of the Board of Chiropractors on July 1, 1981. Assume the 1981 Legislature agrees with the committee's recommendation. In that case the Board ceases to exist.

If S.B. 247 becomes law, will the functions of examining and policing the chiropractic profession then fall upon the "Board of Health Service Regulation" established in Section 3 of the bill?..... Will three laymen be called upon to carry out the examining, monitoring, and disciplining of the chiropractic profession?

How will this "super board" function? Will it have to employ chiropractors to advise it? How will it supervise continuing postgraduate education? How will its function differ from the role the Board of Chiropractors has been performing?

But the fundamental question is: How will the public interest be served? Will the public interest be more secure than now? Or will it not be prejudiced by supervision of a health service profession by persons untrained and unskilled in the particular discipline involved?

OPTION No. 2: Assume the legislative audit committee recommends continuation of the Board of Chiropractors after July 1, 1981. Assume the 1981 Legislature agrees and enacts legislation to continue the existence and function of the Board of Chiropractors.

Then of what particular value is the "super board" created by S.B. 247, so far as the Board of Chiropractors and the chiropractic profession are concerned?

Obviously, the "super board" - under the assumptions of this option - would be a meaningless and expensive duplication of the Board of Chiropractors.

The "Sunset Act" of 1977 intended to examine and evaluate the agencies enumerated in it - and to bring about the demise of those not serving the public interest.

That intention will be aborted by the creation of a "super board" such as S.B. 247 envisions.

A concluding serious thought: S.B. 247 presumes one "super board" can effectively govern the admission, continuing education, supervision, policing and discipline of a multitude of diverse human and animal health professions ranging from chiropractic to dentistry to medicine to nursing to optometry to pharmacy to podiatry to veterinary medicine.

One would be naive to assume such a "super board" can function successfully under the loose language of S.B. 247. There is no delineation of the extent of the board's rule making power. There are no guide-lines set forth. Obviously the sweeping language is a clear invitation to long and costly litigation.

I suggest to this Committee that S.B. 247 deals with more than a score of the human health service professions in a manner that can be characterized only as cavalier. I respectfully request this Committee recommend it do not pass.

Respectfully submitted,



ALFRED F. DOUGHERTY

Counsel for the Montana Chiropractic
Association

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Comments of the Montana Technical Council. We opposed SB-247 for the following reasons:

1. There is very real concern in our minds that we stand to lose reciprocity with other states. It is very real with the engineers and questionable with the architects. This means out of state income to Montana.
2. The short report says "a saving in expenditure does result when an agency is terminated". How? There are no state funds spent by the boards so how does one save on zero expenditures?
3. It cost \$183,600.00 for the first phase of the audit, with no savings so what can be gained by the relocation and elimination of the present boards? All that is left as to reason is the lowering of the testing level which means loss of reciprocity.
4. If the boards are moved to other departments, does that mean our fees will be lowered? Or is it an effort to get us to help fund these departments that we will be attached too? The fiscal note does not really address that problem.
5. I have to question the fiscal note as the present department estimates as a cost of \$106,307.00 for 1980 and they are more efficient than any new department.

A final question, how come the senate voted not sunset any state agency that is funded by the general funds. Only boards that pay their own way.

This change has not been considered all the way to its end.

NAME: Gertrude Malone DATE: 2-7-79

ADDRESS: Lalanda Building Helena

PHONE: 449-3737

REPRESENTING WHOM? Montana State Board of Nursing

APPEARING ON WHICH PROPOSAL: S.B. 247

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ✓

COMMENTS:

Testimony prepared for committee

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Board of Nursing

DEPARTMENT OF PROFESSIONAL & OCCUPATIONAL LICENSING

6) 449-3737

LALONDE BUILDING

HELENA, MONTANA 59601

TO: Chairman, Senator Peter Storey
Committee Members, State Administration

FROM: Gertrude Malone, R.N.
Executive Secretary

I am Gertrude(Trudy) Malone, Executive Secretary of the State Board of Nursing, speaking on behalf of the five Registered Professional Nurses and the three Licensed Practical Nurses, members of the Board. They have asked me to testify in opposition to Senate Bill 247.

Since 1913 the Board has faithfully carried out the mandates of the Montana legislature to protect the public health, welfare and safety.

Montana citizens have enjoyed the assurance that wherever health care has been provided by Registered Nurses and Licensed Practical Nurses, the nursing care has been administered by qualified persons. This has been accomplished through the licensure standards established by statute and Board rule for the licensure of nurses.

It is through this method of licensure that there can be some measurement of practice. Standards of practice must be established in great part by the persons who are well acquainted with the profession of nursing. It is the opinion of the Board that this is best done by a Board of Nursing which is composed of a majority of professional nurses.

An integral part of quality nursing care is the preparation of the nurse. Montana's nursing education programs comply with the standards that are established by the Board of Nursing. The Board revises the standards at regular intervals so that our schools must maintain currency in their teaching. Persons who do the survey visits to the schools must be experts in nursing education.

There appears to be no provision in Senate Bill #247 to provide for any consultation services to the three member board, which is authorized to adopt and amend all rules in the performance of it's duties and the regulation of the proceedings before it.

The Montana State Board of Nursing enjoys reciprocity with all of the United States, Washington D.C., Puerto Rico, Guam and the Virgin Islands. This reciprocity is possible through a national examination owned by the Council of State Boards of Nursing. Without a Board of Nursing this would be impossible.

Changes may be needed but they should be brought about by improving the quality of life in Montana and not to place improved health care in jeopardy.

In the interest of Montana citizens and their need for health maintenance, I would urge that the committee put a Do Not Pass on this bill.

NAME: CLIFF CHRISTIAN DATE: 2-7-79

ADDRESS: 501 Sanders - Helena

PHONE: 443-4032

REPRESENTING WHOM? MT ASSN. of REALTORS

APPEARING ON WHICH PROPOSAL: H.B. 247

DO YOU: SUPPORT? AMEND? OPPOSE? ✓

COMMENTS: As far as we are
concerned, this proposal
is a minor revision of
executive reorganization, and
we are in favor of it.
We are in favor of the
government's position.

NAME: KARL SORENSON DATE: 2/7/79

2/7/79

ADDRESS: Box 1776 VALISPELL

PHONE: 755-6655

REPRESENTING WHOM? MONT CPA'S

APPEARING ON WHICH PROPOSAL: 247

DO YOU: SUPPORT? AMEND? OPPOSE? ✓

OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

TESTIMONY BEFORE THE SENATE STATE ADMINISTRATION COMMITTEE
WEDNESDAY, FEBRUARY 7, 1979

The only area in which a CPA is regulated is that of the attest function, the process that occurs when the CPA, at the conclusion of an independent audit, expresses an expert opinion as to the accuracy of financial statements. If those statements are fairly presented, in accordance with generally accepted accounting principles, the CPA attests to this fact in the opinion.

Nationally, in the last several years, the accounting profession has been under pressure to upgrade regulation in the technical areas relating to this audit function. The charge to state boards regulating accounting includes such demands as establishing (1) the guidelines for functioning quality control procedures to which all practitioners are subject; (2) mechanisms for identifying substandard work and correcting its underlying causes; (3) appropriate remedial and disciplinary measures for those who demonstrate an unwillingness or inability to meet the high standards of the profession and (4) public credibility for all these measures.

Under present Montana law, the method of satisfying the elements of this mandate is performed by professional volunteers and is funded entirely by licensed accountants. If these professionals were to be replaced by public members only, with no professional expertise, outside technical assistance--in the form of contracted consultant time or a paid technical staff--would require additional funds.

If, in addition, this citizen board had to "protect" the public in four technical areas, one should question whether there exists any basic benefit to the general public.

In a recent address to persons attending an SEC conference, Securities and Exchange Commissioner John R. Evans stated: "For a state board to perform credibly in its particular role of helping to ensure quality performance by those it regulates, it must be able to carry out its administrative functions of examination and licensing, to monitor the quality of public practitioners' work, to conduct inquiries and investigations where appropriate and to follow up on those actions where necessary."

While not quarreling with the need for public representation on a board of accountancy, the profession feels that in order to meet the requirements of an active policy of regulation in such a technical area, professional representation and assistance is mandatory.

MONTANA SOCIETY OF CERTIFIED
PUBLIC ACCOUNTANTS
P. O. BOX 521
HELENA, MONTANA 59601

NAME: Wesley DATE: 1-7-78

DATE: 1-7-78

ADDRESS: Chas. Montano

PHONE: 933. 55 11

REPRESENTING WHOM? Water well contractors and

APPEARING ON WHICH PROPOSAL: 147

DO YOU: SUPPORT? AMEND? OPPOSE? 1

SUPPORT?

AMEND?

OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

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STATE OF MONTANA
DEPARTMENT OF PROFESSIONAL & OCCUPATIONAL LICENSING
BOARD OF WATER WELL CONTRACTORS



ED CARNEY, DIRECTOR

LALONDE BUILDING
HELENA, MONTANA 59601
(406) 449-3737

February 5, 1979

Senator Pete Story, Chairman
State Administration Committee
State Capitol Building
Helena, MT 59601

Dear Senator Story and Members of the Committee:

My name is Wesley Lindsay and I am chairman of the Water Well Contractors Board.

The Board of Water Well Contractors wishes to go on record as opposing Senate Bill 247. The Water Well Board has protected the people of Montana from unethical drillers since 1962. We protect the largest natural resource the state of Montana has (underground water). We do this by the examination and licensing of qualified water well drillers and by rules and regulations on drilling practices. It is doubtful whether a public member board could regulate the water well industry.

To eliminate the composition of the present board and replace it with non-professional people would no doubt be a tremendous cost to the taxpayer in money and in the quality of regulation of the water well industry.

It takes professional people to handle something as important and large as our underground water supply. We have three state people on our board and two licensed water well drillers. This Board operates very efficiently as a self-supporting operation, with no cost to the Montana taxpayers.

Respectfully submitted,

A handwritten signature in cursive script that reads "Wesley Lindsay".

Wesley Lindsay
Chairman
Board of Water Well Contractors

NAME: Richard Allen DATE: 7-17

ADDRESS: 2704 Fox Street, Box 741, 59101

PHONE: 656-4527

REPRESENTING WHOM? State of Idaho

APPEARING ON WHICH PROPOSAL: SB 247

DO YOU: SUPPORT? AMEND? OPPOSE? ✓

COMMENTS: I do not wish to

be involved in the present time. I feel

it is a matter of a long time

and I am not sure

if I can do it.

I am not sure

if I can do it.

I am not sure

if I can do it.

I am not sure

if I can do it.

I am not sure

if I can do it.

I am not sure

if I can do it.

I am not sure

if I can do it.

I am not sure

if I can do it.

I am not sure

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

MY NAME IS KENNETH OLSEN.

I AM CURRENTLY THE JOURNEYMAN ELECTRICIAN ON THE STATE ELECTRICAL BOARD AND I LIVE IN BILLINGS, MONTANA.

I AM APPEARING IN OPPOSITION TO SENATE BILL #247.

THIS BILL WAS PRESENTED AS A RESULT OF THE SUNSET LAW PASSED BY THE LAST LEGISLATURE. THE SUNSET LAW REQUIRES A THOROUGH EXAMINATION OF THE FOLLOWING QUESTIONS DURING THE PERFORMANCE AUDIT:

1. WOULD THE ABSENCE OF REGULATION SIGNIFICANTLY HARM OR ENDANGER THE PUBLIC HEALTH, SAFETY, OR WELFARE?
2. IS THERE A REASONABLE RELATIONSHIP BETWEEN THE EXERCISE OF THE STATE'S POLICE POWER AND THE PROTECTION OF THE PUBLIC HEALTH, SAFETY, OR WELFARE?
3. IS THERE ANOTHER LESS RESTRICTIVE METHOD OF REGULATION AVAILABLE WHICH COULD ADEQUATELY PROTECT THE PUBLIC?
4. DOES THE REGULATION HAVE THE EFFECT OF DIRECTLY OR INDIRECTLY INCREASING THE COSTS OF ANY GOODS OR SERVICES INVOLVED AND, IF SO, TO WHAT DEGREE?
5. IS THE INCREASE IN COST MORE HARMFUL TO THE PUBLIC THAN THE HARM WHICH COULD RESULT FROM THE ABSENCE OF REGULATION?
6. ARE ALL FACETS OF THE REGULATORY PROCESS DESIGNED SOLELY FOR THE PURPOSE OF, AND HAVE AS THEIR PRIMARY EFFECT, THE PROTECTION OF THE PUBLIC?

THIS BILL DOES NOT ADDRESS ANY OF THESE ITEMS.

THE PRIME OBJECTIVE OF THIS BILL IS TO TRANSFER THE MEMBERSHIP OF THE VARIOUS BOARDS FROM THOSE WITH GENERAL KNOWLEDGE OF THE REGULATED TRADE TO THREE PUBLIC MEMBERS, NONE OF WHICH SHALL BE ASSOCIATED WITH TRADE THEY ARE REGULATING.

I HAVE NO OBJECTION TO INCREASED PUBLIC PARTICIPATION ON THESE BOARDS, BUT I QUESTION THE TRUE VALUE AND BENEFIT TO THE PUBLIC BY REMOVAL OF THE VERY PEOPLE WHO WERE INSTRUMENTAL IN ESTABLISHING THEM. MY RESEARCH OF THE INITIAL BOARD FORMATION, INDICATES THERE WAS A GREAT DEAL OF STUDY AND RESEARCH PUT FORTH WHEN THE BOARD WAS ESTABLISHED. I DON'T FEEL THE REQUIREMENTS OF THE LATE 50'S AND 60'S HAVE CHANGED THAT MUCH TO DATE.

MY POINT IS THAT TO PROVIDE THE BEST POSSIBLE PROTECTION FOR PUBLIC HEALTH, SAFETY AND WELFARE, YOU NEED PEOPLE WHO ARE KNOWLEDGEABLE OF THE REQUIREMENTS FOR THAT PROTECTION.

IN MY PARTICULAR TRADE, I KNOW OF MANY WAYS TO SELL THE PUBLIC A BAD JOB THAT THE AVERAGE PERSON WHO'D NOT CATCH. WITHOUT PEOPLE ON THE BOARDS WHO KNOW THESE SHORTCUTS, HOW CAN YOU DEVELOP RULES TO PREVENT PUBLIC FROM HARM?

I AM IN SUPPORT OF THE SUNSET REVIEW, BUT I SEE NO ADVANTAGE FOR THE PUBLIC IN THIS BILL OVER THE EXISTING SYSTEM.

WITH THE CHANGES RECOMMENDED BY THE PERFORMANCE REVIEW, I AM CONVINCED THE ELECTRICAL BOARD WILL MEET AND EXCEED THE REQUIREMENTS OF THE SUNSET LAW. THE PAST PERFORMANCE OF OUR BOARD HAS BEEN GOOD AND WILL GET BETTER. THE PEOPLE WHO HAVE NEED OF OUR SERVICES ARE FAMILIAR WITH OUR PROCEDURE AND I SEE NO REASON TO SUBJECT THEM TO A NEW ROUTINE.

FOR THESE REASONS, I OPPOSE SENATE BILL #247.

THANK YOU?

*James L. Allen
2209 Hwy 200
Bellingham, WA
37102*

NAME: Bill Graves DATE: FEB 7

ADDRESS: 501 27TH AVE N.E. GT FALLS, MONTANA

PHONE: 453-3723

REPRESENTING WHOM? BOARD OF BARBERS

APPEARING ON WHICH PROPOSAL:

DO YOU: SUPPORT? AMEND? OPPOSE? ✓

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Feb 2, 1979

Refer: Senate Bill # 247
Introduced by Hamel, Lockron, Jergensen

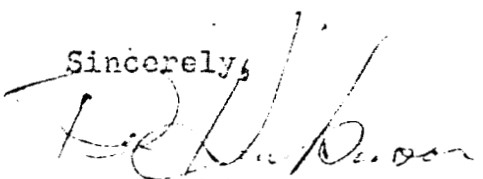
Dear Committee Chairman:

I am writing to vigorously oppose your Bill to create a Super Board. I see no justification of a Board other than more state control of Montana's smallest business men and women. This bill certainly is not in the best interest of the public nor the small business men and women. The purpose of this bill is more state control and revenue. Let this committee be informed that the Barber and Beauty Board are self-regulated and doing an excellent and professional job. Let this committee be aware that every Barber and Beautician will fight this Bill or any of its kind, whether its in this legislature or the next ten.

Again I will say, we need no more state regulatory Boards of any kind. We don't need more Boards to increase our fee--increases to line the pockets of a bigger bureaucracy; nor do we need a hand full of bureaucrats to juggle the laws around at every legislature and waste their valuable time.

In conclusion, I will fight any legislation for more regulatory departments and unprofessional Boards.

Sincerely,


Don Hawkinson,
Sec. State Barber Board

Mr. Chairman, members of the Committee:

My name is William A. Graves and I live in Great Falls. I am a barber by profession and I am serving my second non-consecutive term as a member of the Montana State Barbers Board.

Although there may be some merit to abolishing the Department of Professional and Occupational Licensing and attaching the various state boards to appropriate departments, there are a few things in Senate Bill 247 which concern us very much.

First the bill prohibits any member of a trade or profession regulated by the board from serving on the board. The apparent purpose of this is to see that state licensing protects the public interest and is not merely a restriction on entry into professions. There is some merit to including public or lay members on all boards but I do not feel that the best interests of the public or the profession will be served if all members of the various boards are prohibited from having any practical knowledge of the profession or occupation. It will not be in the best interest of the public or the profession. It will be a very slow error-filled process for people who are totally unfamiliar with the various professions and occupations to learn about them while they are attempting to administer the various programs which the boards now manage. I can think of dozens of occupations that I know nothing about and would not presume to attempt to help regulate. If the Committee feels that some of the boards have not looked out for the

public interest, perhaps a more realistic solution would be to put public or lay members on all of the boards but not to the exclusion of the members of the profession or occupation.

The second area which concerns us is the proposal to put the functions of twenty boards under the Board of Health Services Regulation. In the two terms I have served on the Barbers Board, we have averaged 3 days per month on meetings which were essential to administering the duties of the board. If three lay people are appointed to the Board of Health Services Regulation which must replace twenty existing boards and serve their functions, these people will be required to devote every working day per month to their duties as members of this board if they spend only one day per month on the functions of each of the regulatory boards they are replacing.

It will be impossible for the boards to continue as citizen representatives. If the time requirements are anywhere near what they would appear to be, the board members would have to become full-time State employees. That result is exactly contrary to the purposes you are trying to reach.

The third point which concerns us about this bill is the provision that Section 3 will be effective July 1, 1981. That will be six months after the next legislature convenes and we have been advised that a legislature should not or cannot delay the effective date of a bill or a portion of a bill beyond the time when the next legislature will meet. It appears that the need for Section 3 and the Board of Health Service Regulation will not exist until after the next legislature meets and this is an area which properly should be left to the next

NAME: MARTY CRENNON DATE: 2-7-79

ADDRESS: HELENA, MT

PHONE: 442-3930

REPRESENTING WHOM? BOARD OF ARCHITECTS

APPEARING ON WHICH PROPOSAL: 58247

DO YOU: SUPPORT? AMEND? OPPOSE? ✓

COMMENTS: ATTACHED

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(11)

**CAMPEAU
CRENNEN**
ARCHITECTS & PLANNERS

February 7, 1979

State Administration Committee
Montana Senate
Pete Story, Chairman

From: Marty Crennen, Member
Montana Board of Architects

Re: SB247

I don't have the faintest notion of the problems unique to the Board of Accountancy, nor of their day-to-day routine. Yet as a member of the Board of Professional Service Regulation, I would be expected to know of those problems, as well as those of other boards under the preview of this so-called "Super Board".

With the obvious difficulties in being familiar with the problems of several boards and considering the time required to deal with them, I surmise that a sub-structure of technical "advisory boards" would involve to deal with the routine and unique matters of their respective boards.

The Super Board concept would therefore create another layer of control and bureaucracy in the framework of government. Implementation of the concept and routine administration of its duties have not been worked out. The cost to the ultimate consumer of services affected would most certainly increase.

Present board structure under the Department of Professional and Occupational Licensing is working well. Inclusion of lay members on boards should be considered, but members of the regulated profession should be retained on boards for their technical knowledge necessary to the day-to-day work of their board.

I respectfully ask the defeat of SB247.

NAME: Walter W. W. W. DATE: 7-77

ADDRESS: 4015 1st St

PHONE: 141-5700

REPRESENTING WHOM? WJL

APPEARING ON WHICH PROPOSAL: *B. 247*

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? _____

COMMENTS: *Noted*

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



Montana Nurses' Association

1716 NINTH AVENUE

(406) 442-6710

P.O. BOX 5718 * HELENA, MONTANA 59601

February 6, 1979

TO: Senate State Administration Committee
FROM: Montana Nurses Association, First Vice President, Shirley Thennis
RE: S.B. 247

My name is Shirley Thennis and I am representing the Montana Nurses' Association. I would like to speak in opposition to S.B. 247.

Montana Nurses have several grave concerns relative to the content of this proposed legislation.

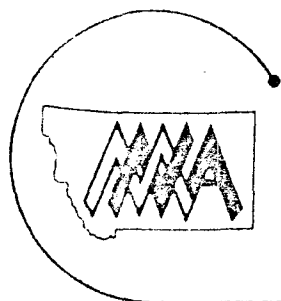
First of all, the quality of nursing care to the people in Montana is established by law and through rules and regulations directly set forth by the State Board of Nursing. Quality of nursing care must be maintained and can only be continued by those who are knowledgeable enough to assess practice issues and promulgate standards ensuring competent quality of practice. Even a knowledgeable consumer board would be ill equipped to establish and monitor nursing care. How can non-nurses assess competency? Peer assessment is a proven effective method.

Secondly, the standards for schools of nursing are directly established and monitored by the State Board of Nursing. Regulation and control of these standards by a consumer board could have serious repercussions relative to accreditation of schools of nursing, jeopardized funding, changes in curriculum and an abrupt decline in the educational quality for student nurses in Montana. In a state such as Montana that needs nurses, we need to maintain the current high educational level and not discourage or endanger programs of nursing. The people in Montana cannot be guaranteed the provision of quality nursing care without a viable State Board of Nursing.

Registered nurses are the largest group of health providers in Montana, and we urge you to support us in maintaining quality nursing care.

Thank you.

12



Montana Nurses' Association

1716 NINTH AVENUE

(406) 442-6710

P.O. BOX 5718 * HELENA, MONTANA 59601

February 6, 1979

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Registered nurses are the largest group of health providers in Montana, and we urge you to support us in maintaining quality nursing care.

Thank you.

NAME: _____

DATE: 2-7-79

ADDRESS :

PHONE :

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

13

HOLMSTROM, DUNAWAY & CAPSER

ATTORNEYS AT LAW
SUITE 505, FIRST FEDERAL SAVINGS & LOAN ASSOCIATION BUILDING
BILLINGS, MONTANA 59101

FRANKLIN S. LONGAN (1907-1978)
ROBERT W. HOLMSTROM
VICKI W. DUNAWAY
JAMES C. CAPSER

February 5, 1979

TEL. (406) 252-71

State Administration Committee
Pete Story, Chairman
State Capitol Building
Helena, Montana 59601

Dear Chairman Story:

It has come to my attention that your Committee is holding a hearing on Wednesday, February 7, 1979, on a Bill which in part provides that all boards regulating and licensing professions and occupations in Montana shall have all lay members on such boards. I presume that this Bill would thus exclude from board memberships anyone engaged in the particular profession or occupation being regulated. As a former lay member of a professional board, I would like to share my thoughts with your Committee regarding this proposed legislation.

I was a lay member on the Montana State Board of Cosmetology from November 1974 through June 1977. As the lay member on the Board, I was, of course, unfamiliar with the terms and definitions used in the profession and with the practical considerations involved in practicing cosmetology. A lay member on any professional or occupational board would, I think, find himself in the same position.

Because the Board regulating any profession or occupation necessarily promulgates rules and regulations regarding the conduct of members practicing the profession or occupation, I feel from my experience that having boards consisting of all lay members would be quite unworkable. Because lay members on boards are unfamiliar with and unaware of many of the practical considerations involved in practicing the particular profession or occupation, no doubt a number of rules and regulations passed would be completely unworkable when put into effect. From my experience, I find that many ideas put down on paper seem workable in theory, but are quite unsuitable as a practical matter. Without members on the board engaged in the particular profession or occupation, these ideas which seem so workable in theory but not as a practical matter, cannot be weeded out. Much time would be wasted in implementing certain rules and regulations which after a period of time proved unworkable and would have to be repealed. Much time and convenience to everyone could be saved by having persons on the board engaged in the particular profession or occupation which could point out the infeasibility of such ideas at their inception.

NAME: _____ DATE: _____

ADDRESS: _____

PHONE: _____

REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL: _____

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

14

STATE OF MONTANA
DEPARTMENT OF PROFESSIONAL & OCCUPATIONAL LICENSING
BOARD OF MORTICIANS



ED CARNEY, DIRECTOR

LALONDE BUILDING
HELENA, MONTANA 59601
PHONE (406) 449-3737

February 5, 1979

To Whom It May Concern:

Having served on the State Board of Morticians for just a little over a year, I would strongly urge our State Legislature to leave the present arrangement of the State Board as it is.

The issues dealt with by the Board requires representation of both the funeral industry and the consumer public. As a representative of the consumer public, I have appreciated the knowledge and expertise of my colleagues on the Board who are Moticians. I have certainly felt that my condition as a lay representative has been highly regarded. At no time have I felt that the men and women on the Board have sought and expanded, more extensive roles for the Board. They seem generally to want only to regulate the technical and ethical dimensions for the funeral industry in Montana fully and according to the law.

As an example how the State Board works, I would like to point out that it was through the Board investigation that the legal standing preneed trust have been clairified through the Attorney General's office and the Board now monitering these trusts to make sure that they are being performed according to the spirit and letter of the law.

To turn sensitive and rather technical matters over to a three person lay group, as would be the case if Senate Bill 247 were passed would create a chaotic and probably ineffective means of regulation and control. I ask you to vote do not pass status on Senate Bill 247.

Respectfully yours,

Jack H. Severns
Jack H. Severns *hys*
Consumer Member
Board of Morticians
2200 Juniper Ave.
Great Falls, MT 59404

14

STATE OF MONTANA

DEPARTMENT OF PROFESSIONAL & OCCUPATIONAL LICENSING
BOARD OF MORTICIANS



ED CARNEY, DIRECTOR

LALONDE BUILDING
HELENA, MONTANA 59601
PHONE (406) 449-3737

February 7, 1979

Senator Pete Story, Chairman
State Administration Committee
State Capitol Building
Helena, MT 59601

Dear Honorable Senator Story and Members of the Committee:

I am asking you to vote do not pass status on SB 247. As a member of the present State Board of Morticians I have found that the Department of Professional and Occupational Licensing and its Director, Ed Carney and his staff to be most efficient and cooperative with my Board.

The change from this division to a 3 man lay Board in my opinion is poor legislation and takes citizen and professional participation away from State government and will greatly increase the cost of staff and consultants to police the various other boards in the division, as well as our own. At the last session, you placed a consumer member on the Board of Morticians, which has been beneficial to the Board and to the consumer public. Therefore I ask you again to vote do not pass on SB 247.

Sincerely,

Dennis F. Dolan
Dennis F. Dolan *by dec*
Vice-Chairman
Board of Morticians

cc/ file

NAME: Jerome T. Loendorf DATE: 2-7-79

ADDRESS: Heber, Mt.

PHONE: 442-6350

REPRESENTING WHOM? MA Medical Assoc

APPEARING ON WHICH PROPOSAL: 247

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ✓

COMMENTS: Because of crowded conditions, I was
unable to hear testimony in support of bill, but assume
the three proposed Boards are intended to take
over the functions of the various boards under the
Dept. of Professional & Occupational Licensing including
the functions of the Bd of Med. Examiners.

We believe that, among other things, a lay
board would be unable to handle the function of
licensing & disciplining physicians. A lay board would
be unable to adequately conduct the oral interview of
applicants for license and medical doctors because of
its lack of technical knowledge. For the same reason
a lay board would experience the same difficulty in
evaluating complaints against physicians. I suggest a

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
lay board would experience the same difficulty in governing
our profession.

The only possible way for the Board to function would
be for it to hire experts in each area regulated which
would result in the actual decisions being made by peers
as they are now.

NAME: Alfred B. Williams DATE: _____

ADDRESS: Lundy 00000-0000

PHONE: 442-1708

REPRESENTING WHOM? Montana AFL-CIO

APPEARING ON WHICH PROPOSAL: SB 247

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



Box 1176, Helena, Montana

JAMES W. MURRY
EXECUTIVE SECRETARY

ZIP CODE 59601

LUNDY SHOPPING CENT
MISSOULA HIGHWAY

TESTIMONY OF JAMES W. MURRY ON SENATE BILL 247, BEFORE HEARINGS OF THE SENATE
STATE ADMINISTRATION COMMITTEE, FEBRUARY 7, 1979

I APPEAR BEFORE THIS COMMITTEE IN OPPOSITION TO SENATE BILL 247, A MEASURE
THAT WOULD DO AWAY WITH INDIVIDUAL REGULATORY BOARDS UNDER THE PRESENT LICENSING
LAWS AND ESTABLISH THREE AUTONOMOUS BOARDS CONSISTING OF THREE MEMBERS EACH,
APPOINTED BY THE GOVERNOR.

ONE GROUP OF 14 BOARDS WILL BE ABOLISHED ON JULY 1, 1979. ANOTHER GROUP
OF 21 BOARDS WILL BE TERMINATED ON JULY 1, 1981, AND ANOTHER GROUP OF 11 BOARDS
WILL BE TERMINATED JULY 1, 1983, ALL BY "SUNSET" PROVISION.

I WILL MAKE MY STATEMENT BRIEF AND TO THE POINT. UNDER SENATE BILL 247, 46
BOARDS WHICH PRESENTLY EXIST UNDER MONTANA LAW AND REGULATE STANDARDS FOR
LICENSING OF SUCH PROFESSIONS, INDUSTRIES AND WORKERS IN TRADES, SUCH AS SHEET
METAL WORKERS, ELECTRICIANS, PLUMBERS, ARCHITECTS, AND ENGINEERS ARE SUBJECT TO
BE ABOLISHED BY THE SUNSET PROVISION.

FORTY-SIX BOARDS THAT REGULATE THE STANDARDS FOR THE VARIETY OF THESE
TRADES, PROFESSIONS AND INDUSTRIES, ARE TO BE CONDENSED INTO THREE BOARDS, UNDER
SENATE BILL 247.

HOW CAN THREE BOARDS CONSISTING OF NINE TOTAL MEMBERS EFFECTIVELY COORDINATE
THE ACTIVITIES OF 46 BOARDS? UNDER SENATE BILL 247, NOT A SINGLE MEMBER OF THESE
THREE "NEW" BOARDS ARE TO BE MEMBERS OF THE TRADE OR PROFESSION WHICH THE BOARDS
ARE TO REGULATE.

I HAVE A DIFFICULTY UNDERSTANDING HOW SUCH BOARDS CAN EFFECTIVELY OPERATE
WITHOUT MEMBERS OF THOSE INDUSTRIES, PROFESSIONS, OR TRADES, OR HOW THESE BOARDS
WILL MONITOR THEMSELVES TO ENSURE NO ONE FROM THOSE PROFESSIONS SIT ON SUCH BOARDS

-more-

LOGIC TELLS US THAT A PLUMBER HAS LITTLE BUSINESS REGULATING A SHEET METAL WORKER; THAT A PUBLIC ACCOUNTANT HAS NO BUSINESS REGULATING ELECTRICIANS OR A LANDSCAPE ARCHITECT; AND THAT ENGINEERS HAVE LITTLE IN COMMON WITH PRINTERS.

BUT HOW CAN WE EXPECT A NON-MEMBER OF THOSE PROFESSIONS TO SIT ON SUCH A BOARD AND UNDERSTAND THE PROFESSIONS AND TRADES THEY ARE EXPECTED TO REGULATE?

OURS IS A DIVERSE AND COMPLEX SOCIETY CONSISTING OF SPECIALITIES AND SPECIALISTS. ALL TRADES, CRAFTS, AND PROFESSIONS ARE BECOMING PROFESSIONAL AND SATURATED WITH PROFESSIONALS. WITH DIVERSITY THERE IS STRENGTH AND A MAINTENANCE OF QUALITY. WITH "PROFESSION" COMES A STANDARD OF QUALITY.

WE NEED TO LOOK REALISTICALLY AT WHAT SENATE BILL 247 AIMS TO DO TO THOSE PROFESSIONS, BY CONSOLIDATING 46 BOARDS INTO THREE BOARDS CONSISTING OF NON-PROFESSIONALS, WE SET THE STAGE FOR DE-REGULATION OF QUALITY.

BY DOING AWAY WITH BOARDS THAT SERVE TO REGULATE, LICENSE, EVALUATE, AND BE RESPONSIVE TO THE FUNCTIONS OF VARIOUS PROFESSIONS AND TRADES, SENATE BILL 247 WOULD TAKE THE INITIAL STEP TO DO AWAY WITH THE NEED FOR MONITORING STANDARDS OF QUALITY OF THE VERY PROFESSIONS THE BOARDS SERVE TO REGULATE.

THAT IS WHY WE OPPOSE SENATE BILL 247.

NAME: WILLIAM TANG-EN DATE: Feb 7, 1979

ADDRESS: 3920 Mc HUGH HELENA

PHONE: 443-5646

REPRESENTING WHOM? BOARD OF PROF. ENGINEERS & LAND SURVEYORS

APPEARING ON WHICH PROPOSAL: SB 247

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(17)

NAME William C. Tangen, ES Bill No. SB247
ADDRESS 3920 McHugh Drive, Helena, MT DATE 2-7-79
WHOM DO YOU REPRESENT Board of Prof. Engineers & Land Surveyors
SUPPORT _____ OPPOSE XXX AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

The Legislative Audit Committee has submitted Senate Bill No. 247 which, in effect, does away with existing Board of Professional Engineers and Land Surveyors and places that board's activities under the Board of Professional Service Regulation. Under this legislation the board would consist of 3 lay members who may not be a member of a trade or profession regulated by the board.

The purpose is unclear since the audit report made during the Sunset Review does not show any particular reason for this change. We recognize that some changes to the existing law should be accomplished in order to benefit the public. To that end, changes have been submitted to this legislature covering the existing act which would increase the board membership from 7 to 9 with the additional members being public members, would change the length of terms of office from 5 years to 4 years, provide that no board member could serve more than 3 terms, provide an increase for application fees which will be necessary to cover the increased cost of testing, clarify some of the provisions covering complaints, and provide that a verification of continuing competency be provided.

Registration to practice professional engineering and land surveying in the State of Montana is obtained by meeting 3 requirements: education, experience, and education.

A board composed of lay members would be hard put to monitor any of these requirements since they are technical in nature.

Montana presently has a registration and licensing program that meets local and national standards. The examination given twice a year for the engineer in training, the land surveyor in training, and the professional engineer are national examinations meeting reasonable levels of adequacy and are consistently uniform in difficulty. The preparation, grading and validation of such an examination program is extremely costly. With the policy of the National Council of Engineering Examiners being not to participate in an examination program with non-members, under SB 247's proposal, the burden of preparing, grading and validating a new exam would then be placed upon the state board. With limited personnel available who are not knowledgeable in such exam preparation as well as a limited budget available to retain such people, the cost per exam in Montana would increase tremendously over that now charged the applicant. Further, the type of exam given nationally does have certain safeguards built in to insure that it is fair and equitable. By utilizing a national examination a person can take the examination in Montana and if he passes, it would be recognized in other states. This is important if he moves or if he operates with Montana as his residence and works in other states.

Another area where the Senate Bill 247 does not address itself is the review of application and personnel information.

S.B. 247
2-7-78

(17)

Dear Legislators:

The Legislative Audit Committee has submitted Senate Bill No. 247 which, in effect, does away with existing Board of Professional Engineers and Land Surveyors and places that board's activities under the Board of Professional Service Regulation. Under this new piece of legislation the board would consist of 3 lay members who may not be a member of a trade or profession regulated by the board.

Why this is being done is unclear since the audit report made during the Sunset Review does not show any particular reason for this change. We do feel that there are a number of reasons that such a change would be injurious to the public and would result in greater costs to the public. We recognize that some changes to the existing law should be accomplished in order to benefit the public. To that end, changes have been submitted to this legislature covering the existing act which would increase the board membership from 7 to 9 with the additional members being public members, would change the length of terms of office from 5 years to 4 years, provide that no board member could serve more than 3 terms, provide an increase for application fees which will be necessary to cover the increased cost of testing, clarify some of the provisions covering complaints, and provide that a verification of continuing competency be provided.

Registration to practice professional engineering and land surveying in the State of Montana is obtained by meeting 3 requirements. These are:

1. Education in an appropriate school.
2. Experience in the profession.
3. Passage of technical examination.

from:
Al Kersich
Chairman, Board of
Prof. Engineers & Land

These are technical areas that must be reviewed by persons well versed in them. A board composed of lay members would be hard put to monitor any of these requirements. Especially if they are part time and had other professions or trades in which they would be involved as is contemplated.

Montana presently has a registration or licensing program that meets local and national standards. What would happen if this new system should go into effect? First, the new department and the lay board would probably be dropped from membership in the NCEE. This would have far reaching consequences, especially in the technical examination area.

Presently the board administers an examination two times a year for professional engineers, engineers in training, and professional land surveyors. The examination for the engineer in training, the land surveyor in training, and the professional engineering section are national examinations which are obtained by co-operation with the National Council of Engineering Examiners. These exams are put together by a committee assisted by the Educational Testing Services to insure that the exams meet reasonable levels of adequacy and are consistently uniform in difficulty. The preparation, grading and validation of such an examination program is extremely costly. When states such as New York and California have stopped preparing local examinations and have joined NCEE to be able to utilize the uniform examination, one can begin to realize the costs and effort involved. With the policy of the National Council of Engineering Examiners being not to participate in an examination program with non-members, the burden of preparing, grading and validating a new exam would then be placed upon the state board. It is not an exaggeration to say that the preparation of such an examination would be extremely difficult due to limited personnel available who are knowledgeable in such exam preparation as well as a limited budget available to retain such people. The present budget for the NCEE for examinations is approximately \$500,000 annually. It is anticipated that this budget will increase approximately 12% in the next

calendar year. Because this exam is given nationally to a large group, the cost per exam is still reasonable. Certainly Montana would not require \$500,000 annually for such an exam. However, one could say without fear of contradiction that the cost per exam in Montana would increase tremendously over that now charged the applicant. Further, the type of exam given nationally does have certain safeguards built in to insure that it is fair and equitable. Under federal law the rights of applicants, must be considered and Montana would have to develop its own set of procedures for exam validation.

One other point covering examinations is that by utilizing a national examination a person can take the examination in Montana and if he passes, it would be recognized in other states. This is important if he moves or if he operates with Montana as his residence and works in other states. This option would not be open to Montana residents if the uniform examination was not used. This would place Montana residents in a difficult competitive position with engineers from other states and could cause economic hardship. It would also be unfair to students in Montana who have attended state schools, and who eventually leave the state to become residents of another state. They would then have to take another examination in order to be registered in the new state.

Another area where the Senate Bill 247 does not address itself and is certainly a problem is a review of applications and personal interviews. Reviewing an application is a laborious and necessary procedure. It is incumbent upon those wishing to be registered to show evidence of meeting certain educational and experience requirements. We disagree that a board composed solely of lay members, without any technical assistance, have the expertise and the technical knowledge to be able to adequately review these applications.

Since many applications are found deficient, the board is required to interview or orally examine the candidate personally. This interview consists of examination of the applicant's technical experience. The questions are technical in nature and require considerable thought, both in the asking and in the answering. Frankly, this cannot be done by laymen. To do away with the interview process would be a severe weakening in the licensing process and could result in a number of unqualified individuals being allowed to practice. The public would be the one to suffer.

A third item of concern is the complaint procedures. Due to various procedures in the administrative code a determination of the validity of the complaint must be made. If a hearing is required a lay board is handicapped, at best, to assist at such hearings to determine the technical competence of an engineer or land surveyor. Without technical questions admitted in the proper manner, it would be very difficult, at best, to determine whether a person should be suspended. It is agreed that there are a number of matters which come before the board that do not cover the technical aspects of professional engineering and land surveying. Input by lay members on these matters would be important. The addition of lay members to the present board would be a practical solution.

One other area where the board assists is the reviewing of the curriculum of the state schools teaching engineering and land surveying. Lay members would be of little use in such matters.

One could take the position that these technical problems could be handled by having the lay board and utilizing appropriate technical personnel in the supplementary positions. This is not the case in other states that have tried such an approach. It has been found that the costs have increased tremendously and the public did not receive any more protection. In fact, just the opposite occurred.

Right now the board receives the input of people involved in the testing of engineers, education of engineers and practicing consulting engineers nationwide at little or no cost. Since most of these are dedicated volunteers interested in professional development and maintaining competency in the profession. If this avenue of resource were closed there is no way the cost of licensing could be borne by the applicants alone, as is now the case. Certainly people can be hired to provide the expertise necessary but we have to question as to whether they would perform as admirably in a role as a hired "gun" rather than that of a dedicated professional.

It should be noted that the board of professional engineers and land surveyors has maintained itself without any funds from the general fund. The legislature has controlled our budget through appropriation funds.

Certainly we believe that the legislative audit committee is attempting to do the best job that they can for the citizens of Montana.

In this case it is felt that they have prepared a proposal that has not been well thought out, possibly because of lack of time or information. This modification, if passed, would not serve the state and would prove to be far more deficient than beneficial as far as the public is concerned.

Montana has spent a number of years developing their licensing procedures for engineers and land surveyors and are known throughout the United States as being a landmark state in developing fair, equitable and honest procedures which insure that the person licensed to practice engineering or land surveying meets reasonable standards.

You must realize that the basic problems with engineers and land surveyors in the state are normally not with those licensed in the last ten years but instead reflect back to the era when there were considerably looser standards. At that time fewer people had to take examinations to prove their abilities and many were given licenses on the basis of experience alone. Going back to such an era would generally deteriorate the standard of quality one must expect from professional practitioners and would result in considerable amount of expense being unnecessarily incurred by the public.

It is suggested that the modifications as proposed by bill sponsors Senator Haggar and Senator Healy, would alleviate those problems found by the Sunset Audit Study and would provide a climate for protection of the public unequalized in our sister states.

Recky Deschamps
(17.B)

Introduced by: Himsel, Lockrem, Thiessen and Jergeson

A bill for an act entitled: "An act to provide for the licensing and regulation of various trades, industries, and professions by creating a Board of Public Safety in the Department of Administration, by creating a Board of Professional Service Regulation in the Department of Business Regulation, and by creating a Board of Health Service Regulation in the Department of Health and Environmental Sciences; providing that the Boards Administer those licensing and regulatory functions as are assigned by law; and providing an effective date."

Comments by, Frank J. Davis, R. Ph.

Executive Director

The Montana State Pharmaceutical Association

1. The present board setup is not costing the taxpayers any money. They are supported by licenses and fees entirely.
2. How will Senate Bill 247 be financed?
3. Where would expertise be found to take over duties of present boards? At what cost? Such as in pharmacy; control of dangerous drugs, inspection of pharmacies, State Board examinations, reciprocity procedures, internship programs etc. CONTINUING EDUCATION ETC
4. Has a study been done to show justification for such a change? Before the last reorganization a two year study was conducted, and recommendations followed. Are the proponents of this bill saying the study was in error and the whole program is now to be discarded.
5. Are there figures available to back up the accusations that the present program is too costly? Will the new program cost less? How much?
6. Has there been a study made of health regulatory boards to show changes need be made?
7. What is there to indicate the new program will result in greater efficiency? Are there any facts to show the present program is inefficient?
8. In regards reciprocity for professionals; how will this be addressed? Presently in pharmacy at least, the National Association of Board of Pharmacy require that all stages of reciprocity be handled by a State Board of Pharmacy. 3,361 pharmacists took advantage of this courtesy in 1978. This process must be preserved.
9. What would this new act do to our schools of pharmacy or nursing? If reciprocity is restricted, enrollment would certainly suffer. They may even close.

NAME: Joseph J. Martin DATE: 2-7-79

ADDRESS: P.O. Box 1703 - GT. Falls, Mont. 594

PHONE: 452-1973

REPRESENTING WHOM? MONT. ASSN. OF JOURNEYMAN PLUMBERS

APPEARING ON WHICH PROPOSAL: S.B. - 247

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ☒

COMMENTS: A SUPER BOARD WOULD NOT BENEFIT
THE PUBLIC - PEOPLE SHOULD BE ON THE BOARD
THAT ARE FAMILIAR WITH THE INDUSTRY
FOR PROTECTION OF THE PUBLIC

Joseph J. Martin - Pres. MONTANA STATE
ASSN. OF JOURNEYMAN PLUMBERS

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Senator J. A. Hill

DATE:

2-7

ADDRESS:

PHONE:

REPRESENTING WHOM?

Self

APPEARING ON WHICH PROPOSAL:

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

✓

COMMENTS:

(Empty lines for comments)

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Donald Kintner DATE: Feb 7-77

ADDRESS: 1280 McDonald - Bismarck

PHONE: 5873218

REPRESENTING WHOM? Montana State Plumbing Board

APPEARING ON WHICH PROPOSAL: F-B-24 SB242

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: Written Statement submitted

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

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STATE OF MONTANA
DEPARTMENT OF PROFESSIONAL & OCCUPATIONAL LICENSING
BOARD OF PLUMBERS



ED CARNEY, DIRECTOR

LALONDE BUILDING
HELENA, MONTANA 59601
(406) 449-3737

February 7, 1979

Senator Pete Story, Chairman
State Administration Committee
State Capitol Building
Helena, MT 59601

Dear Senator Story and Members of the Committee:

My name is Don Kristensen and I am chairman of the Board of Plumbers. I would like to speak in opposition to SB 247 which calls for super boards made up of only public members.

The Board of Plumbers feels that it is important for the general public to know that the plumber coming into your home is qualified through training and examination and that he has been examined by the people who have the expertise to know that the work the individual does meets minimum code standards. The present Board structure allows for a practical examination to be given to each individual who will be working with the tools of the trade. Under a super Board, professional people would have to be hired to accomplish this at an additional cost.

In instances of complaints, the public member boards would not have the expertise to investigate the complaints to insure the installation was done correctly. It would be an additional cost to the state to hire qualified people to investigate the complaints.

The current Board structure of all Boards makes the Department of Professional and Occupational Licensing and the Boards under that department self-supporting, as all money to finance the Boards comes from license renewal and examination fees. No money from the taxpayer is directly involved in the support of the Boards.

Sincerely,

Donald Kristensen

Don Kristensen, Chairman
Board of Plumbers

NAME: Darrell Micken DATE: 2-7-79

ADDRESS: 911 S. Church, Bozeman, Mt. 59715

PHONE: 587-8517

REPRESENTING WHOM? Audiology (self)

APPEARING ON WHICH PROPOSAL: 247

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ☒

COMMENTS: ① This bill by removing all professional from direct participation severely reduces consumer protection.

② It removes the volunteer participation on boards and creates a situation where consultants must be employed.

③ I have seen no evidence that this bill would reduce cost. To the contrary these three boards would have to meet often at \$105/day / board. They will have to hire consultants at perhaps \$200/day / consultant.

With decreased consumer protection and increased cost and possibly reducing overall professional competence everyone loses.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Jerry L. Smith DATE: 2-7-77

ADDRESS: 345 E. 1st St. Apt. 611

PHONE: 257-4471

REPRESENTING WHOM? St. Louis School of Theology AFLEP

APPEARING ON WHICH PROPOSAL: HR 2477

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.