MINUTES OF THE MEETING OF THE APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES AND BUSINESS REGULATION January 17, 1983

The meeting was called to order by CHAIRMAN MANUEL at 8:15 a.m. in Room 132 of the Capitol Building in Helena, Montana on January 17, 1933. Roll call was taken and all members were present except REPRESENTATIVE HEMSTAD, who was excused for the first part of the meeting. Also present were DICK GILBERT, LFA; CAROLYN DOERING, OBPP; PATTI SCOTT, SECRETARY; AND SENATOR JOHN MOHAR.

DEPARTMENT OF COMMERCE BUDGET (Tape #10 Side A-010)

WITNESSES for the Department were: GARY BUCHANAN, Director; ISSIE PISTELAK, Administrator, Business and Professional Licensing Division; BRIAN McCULLOUGH, Administrator, Central Services; and SHIRLEY MILLER, Chief, Professional and Occupational Licensing Bureau.

ISSIE PISTELAK continued reviewing the POL Boards from Friday referring to EXHIBITS B & C of January 14, 1983.

BOARD OF SANITARIANS BOARD OF PRIVATE INVESTIGATORS (See EXHIBIT A about problem in funding for the FTE, and legislation for a new Board entitled "Board for Private Security Patrolmen and Investigators". BOARD OF LANDSCAPE ARCHITECTS BOARD OF SPEECH THERAPISTS AND AUDIOLOGISTS BOARD OF RADIOLOGIC TECHNOLOGISTS BOARD OF PHYSICAL THERAPISTS

MR. BUCHANAN pointed out that all fees must be "commensurated with costs" and if Boards do want to raise fees for whatever reason, the licensed profession pays for it. Also, if Boards do increase their fees, they still must live within their budget or appropriation.

BRIAN McCULLOUGH clarified that previously in the Division support, based on current level was a budget of approximately \$200,000. This has dropped considerably, because that portion of the budget that relates to each one of the programs in that Division has been reflected in that program, rather than in a lump sum. This was so it could be clarified what the exact costs are in each one of the programs. This money is reflected in each program under "Transfer Costs". "Transfer Costs" includes three elements - Overhead of the Department, which is the Director's Office and Centralized Services; Bureau Support, which includes

the Bureau Chief and individual secretaries; and a portion of Division administration. (EXHIBIT B) Commerce submitted the budget as a total program for easier management accountability.

CHAIRMAN MANUEL inquired about Vacancy Savings. (Tape #10 Side B-005)

ISSIE stated there is nothing significant. The Bureau is in the process of records updating and trying to get caught up in addition to automating the licensing programs.

MR. BUCHANAN stated that nine Boards have been implemented to the automation system, but that it is a very slow process bringing all the Boards onto the system.

REPRESENTATIVE HEMSTAD returned to the meeting.

SENATOR SMITH asked for clarification on the total budget for the POL Administration.

BRIAN stated that it was \$215,927 in FY33; \$173,971 in FY84 and \$182,121 in FY85.

SENATOR BOYLAN also asked if the fee increases of the Board were related to the charges from Centralized Services.

BRIAN clarified that half of the cost is based on number of licenses, and half on wages paid in support of operating that Board (which reflects the activity).

CAROLYN inquired if the new overhead charges are directly related to the fee increases being requested by some of the Boards. (EXHIBIT C)

BRIAN responded that the transfer or overhead costs get the blame, but actually the "fees commensurate with costs" are the majority of the charges.

GARY BUCHANAN explained that the Department of Commerce took the legislative audit of the Department very seriously, and has complied with several of its recommendations. The Legislature recommended that many of the functions of the Boards be improved and this is being accomplished through automation. The Department also took many of the recommendations of the "Loaned Executive Program" and this has caused some problems with the Boards. It was observed that these Boards in the past had been autonomous, and have had to make adjustments in

coming in under the Department. The Department has problems, but is attempting to work them out.

SENATOR BOYLAN expressed a concern (Tape #10 Side B-264) that the Department might start dictating policy to these Boards.

MR. BUCHANAN stated that the Department does not get into Board business. It is not the Department's role, as they are there for administrative purposes only. When something is brought to the attention of the Department, the Department in turn passes it on to the Boards. The Department has made a very strong effort to keep this separation.

SENATOR LANE asked (Tape #11 Side A-001) if the Department forsees any problems in POL.

GARY said yes, on some of the apprenticeship programs, and there have been some problems with "legal delays" with the Boards. The Department staff is doing its best to alleviate this problem. All in all, GARY feels the Board members are very dedicated and receive little recognition.

BRIAN reiterated that if these Boards do increase their fees, they cannot increase their budget or appropriation.

SENATOR SMITH noted that the Legislature had a role to oversee and protect the consumer through the appropriation process.

CAROLYN stated that previously there had been problems with the Boards and the "Budget Amendment Process". Historically the Boards had been underfunded and previously the Budget Amendment Process was open to any account. At the end of the year, there were up to thirty budget amendments. A few sessions ago, the Legislature put an "emergency clause" on this process. With the additional requests this session, this should bring the Boards to a realistic operating level and they should no longer require budget amendments. If they do get in a real bind, they can put in for an "Emergency Budget Amendment".

CHAIRMAN MANUEL thanked the Department of Commerce for its presentation.

The COMMITTEE went into a work session to consider the POL Boards.

CAROLYN explained the "double appropriation" that appears in the Executive Budget. (EXHIBIT D)

Each Board has transfer (overhead) costs, which the Bureau pays for. The Bureau then bills each individual Board for its share. The Boards need the authority to spend, but so does Centralized Services. The same authority to spend is given to both the Bureau and the Board, but the actual money lies with the Board until they pay the Bureau back.

DICK stated he did not like a double appropriation, but in this case, can see no way around it.

SENATOR SMITH MOVED to approve the POL Budget as recommended by the OBPP for FY84 and FY85, excluding approval of the rent and insurance to all Boards.

MOTION PASSED UNANIMOUSLY.

REPRESENTATIVE HEMSTAD MOVED that the Committee AMEND SENATOR SMITH'S MOTION to accept all the POL Board's Budget requests as submitted by OBPP except for the Electrical and Water Well Contractors' Boards.

MOTION PASSED UNANIMOUSLY.

REPRESENTATIVE STOBLE MOVED that all modifications be accepted except for the Board of Morticians. (EXHIBIT E)

MOTION PASSED UNANIMOUSLY.

The Committee is withholding approval until it has the opportunity to visit with the Boards of Electrical, Water Well Contractors and Morticians on some of their concerns with the Board's licensing procedures. A letter explaining this is to be sent to each of these three Boards inviting them to appear on January 28th. It was the decision of the Committee that each of the remaining Boards also receive written notice on the amount their budget was approved, and invited them to give any testimony on January 28, if they so desired.

SENATOR SMITH MOVED that with the additional requests this session, this should bring the Boards to a realistic operating level, and it is this Committee's intent to look very critically at any Budget Amendments.

MOTION PASSED UNANIMOUSLY.

DICK presented the Committee with the Department of Administration's breakdown of the 23% increase in rent. (EXHIBIT F)

DICK stated it was not what the Committee requested and Senator Boylan questions government charging government.

SENATOR SMITH MOVED that the breakdown as provided by Administration (EXHIBIT F) was incomplete and that Dick again request a detailed breakdown of the rent costs.

MOTION PASSED UNANIMOUSLY.

REPRESENTATIVE HEMSTAD MOVED that Dick Gilbert, LFA, investigate insurance costs and report back to the Committee with a cost comparison.

MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 11:00 a.m.

## DEPARTMENT OF COMMERCE



TED SCHWINDEN, GOVERNOR

CAPITOL STATION 1424 9TH AVENUE

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(406) 449-3494

HELENA, MONTANA 59620-0401

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TO: REP. REX MANUEL, CHAIRMAN JOINT SUBCOMMITTEE OF HOUSE APPROPRIATION AND SENATE FINANCE AND CLAIMS

FROM: ISSIE PISTELAK, ADMINISTRATOR DIVISION OF BUSINESS AND PROFESSIONAL LICENSING

RE: PRIVATE INVESTIGATORS FUNDING

DATE: JANUARY 13, 1983

There is a bill which will be introduced establishing a Board for Private Security Patrolmen and Investigators. If this bill passes with the attached fiscal note the funding will be adjusted by that means, however, if this bill fails we have a potential problem with our request of \$4,998 and \$5,123 respectfully for P.I.'s.

After the P.I.'s were given to another individual it was closely monitored to see how much time it actually took to do the investigating, etc., required before a license could be issued. It was determined that it took approximately .50 FTE to do the job properly.

Under our request a .09 FTE is allocated to do the function. There is absolutely no way this can be done with a .09 FTE.

We are bringing this matter to your attention at this point in the Legislative process so it can be monitored since it does have an impact on this budget request.

We have submitted a bill entitled "AN ACT TO MAKE FFES CHARGED FOR LICENSURE OF PRIVATE INVESTIGATOPS AND PATROL-MEN COMMENSURATE WITH COSTS - AMENDING SECTION 37-60-313, MCA; AND PROVIDING AN EFFECTIVE DATE." These fees would be set by the Department to cover any increase needed.

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	PAGE	MAR NOTICE NO.	BOOK-DATE	FEE CATEGORY	Exhibit C	/7-fin⊰	
ARCHITECTS	1139	6-9-6	11-6/17/82	Professional Exam-A Professional Exam-B 4 part Professional Exam-B 1 part Qualifying Test-4 parts Qualifying Test-Less than 4 parts (* per part) Reciprocity- Renewal-by July 31st Renewal-by July 31st Renewal-after July 31st Original License fee- Documents Duplicated & License Roster		90.00 100.00 25.00 60.00 15.00 50.00 20.00 20.00 25.00	••••••••••••••••••••••••••••••••••••••
BARBERS	120	8-10-8	3-2/11/82	Shop Renewal Shop Renewal - school Renewal - Exam - Apprentice Exam - Barber School License Late Fee	15.00 \$	20.00 25.00 15.00 28.00 23.00 50.00 10.00	n an
CHIROPRACTORS	1537 1538	8-24-4	22-11/25/81	Examination Re-Examination Renewal	25.00 \$ 25.00 25.00	125.00 50.00 50.00	an a
COSMETOLOGY * New Licenses	1715 2135	8-14-35	23-12/16/82 18-9/30/82	Student Registration & Initial Enrollment Re- Enrollment Re- Enrollment Temporary License Student Exam Fee Instructor Exam Fee Manager-Operator Fee(2 years) Instructors License Salon License Penalty Fees Reciprocal Application Initial Inspection Electrology Salon Electrology Salon Electrology School Lic. Electrology School Lic.	20.00 10.00 10.00 10.00	5.00 5.00 5.00 6.00 30.00 75.00 15.00 15.00 15.00 15.00 *	alegenesis in a selection de relation de la selection de la selection de la selection de la selection de la se la selection de la selection de la selection de la selection de
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COSMETOLOGY (cont)	1715 2135	8-14-35	23-12/16/82 18-9/30/82	Late Renewal Appl. Exam to practice Appl. Exam Teach Elec.	\$ 10.00	\$	15.00 30.00 75.00 *
				Appl. for Reciprocal Duplicate License School License Advanced Training	50.00		75.00 4.00 50.00 50.00
* New License				Teacher Training Itinerant Cosmetologist	50.00		50.00 70.00
PENTISTS	1141	8-16-17	11-6/17/82	Exam Fee	\$ 60.00	\$	40.00
			12 0/ 11/ 02	Re-Exam Fee	60.00	Ψ.	40.00
				Licensure Fee	20.00		25.00
				Renewal-In-State	25.00		30.00
				Renewal -Out-of State	25.00		30.00
				Penalty Fee	25:00		25.00
				Documents			10.00
ENTAL HYIENIST	1142	8-16-17	11-6/17/82	Exam Fee	60.00	_	40.00
				Re-Exam Fee	60.00		40.00
				Renewal-In-State	10.00		20.00
				Renewal-Out-of-State	10.00		20.00
				Licensure Fee	15.00		25.00
				Penalty Fee	10.00		25.00
				Documents	10.00		10.00
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LECTRICAL	1722	8-18-16	18-9/30/82	Journeyman	\$ 7.50	\$	10.00
				Residental	7.50		10.00
				Master	20.00		25.00
				Contractor	50.00		75.00
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			LICENSING FEES			
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ORSE RACING	29 f 30	9/30/81	8-641 \$ 8-642	Owner Trainer	↔	10.00 ** 10.00
* All fees effective since 1979	since 1979			Temp. Owner Announcer		10.00
				Exercise person Gate Admiss. Seller		5.00 3.00
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ANDSCAPE ARCHITECTS				Application Fee ( not including exam)	\$ Bu	75.00	
				Examination- Full Section A	ş	190.00 30.00	
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				License Renewal		90.00	
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MEDICAL EXAMINERS	·1808	8-26-22	24-12/31/82	Physicians Assistant: Application Util. Plan	€9	50.00	1
				Renewal Util. Plan Subst. Supervisor Physician		35.00 50.00	
	1065	8-28-22	10-5/27/82	ans Annual	50.00	35.00	
				Acupuncture -Renewal		20.00	
				Acupuncture-Late Renewal		5.00	
				Temporary Certificate		25.00	
				Temporary Locum Tenens		40.00	
				Examination Fee		100.00	
MORTICIANS	1428	8-30-9	14-7/29/82	Morticians Application	<del>69</del>	55.00	
	2137		-	Original Mortuary License		35.00	
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			LICENSING FEES	PG.5		
	PAGE	MAR NOTICE NO	BOOK-DATE	FEE CATEGORY FROM	TO	ı
NURSING				Annual Renewal RN & LPN (1977)	\$ 10.00	-
				Proctoring an Exam (1977)	10.00	
				Late Fee for any Renewal (1982)	5.00	
				Appl. Fee For Specialty Area (1982)	25.00	
				Annual Renewal For Specialty Area (1982)	5.00	
				Print out lists (ber name) [1980]	.10	
				Mailing Labels of Licensces	.15	
				Re-Examination RN & LPN	35.00	
			•	Appl. for Licensure By Endorsement including Temp. Permit. RN & LPN	35.00	
				Appl. for initial Licensure by Exam. including Temp, Permit, RN § LPN (1977)	35.00	
JRSING HOME ADMIN.				Application	\$ 25.00	1
•				Reciprocal Fee		
					25.00	
				Active License- if licensed after November	75.00	
	• •			Active License- if licensed after May	50.00	
JPTOMETRISTS	1071	8-36-7	10-5/27/82	Original Certificate of		1
				Registration Annual Renewal	\$ 50.00 55.00	
				Penalty for Late Renewal Appl. for Examination	45.00 75.00	
				Reciprocal Application	160.00	
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			LICENSING FEES		Pg. 6		
	PAGE	MAR NOTICE NO.	BOOK-DATE	FEE CATEGORY	FROM	Т	TO
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HARMACISTS				Pharmacists Reciprocity \$	200.00	\$ 22	225.00
				R. Ph. Original	15.00	S	50.00
				R.Ph. Renewal	15.00	S	50.00
				R. Ph. Renewal Penalty	15.00	S	50.00
				Certified Pharmacy/original		10	100.00
				Cert. Phmcy/ Renewal	35.00	2	75.00
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				Class IV/C.P. Orig/ Renewal	5.00	ŝ	50.00
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				DDA Research/Analyze	10.00	ιΩ	50.00
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PHYSICAL THERAPISTS	126	8-42-5	3-2/11/82	P.T. Application \$	100 00	¢	120 00
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T		LICENSING FEES		Pg.7	
PAGE	MAR NOTICE NO.	BOOK-DATE	FEE CATEGORY	FROM	TO
hUFESSIONAL ENGINEERS 1885	8-48-6	20-10/28/82	LS Comity & Test EIT Appl and Test PE Application and Test Montana EIT Out of State EIT PE Comity LSIT Appl and Test LSIT Appl and Test LS Appl and Test ES Comity and Test Re-Exam ( all Categories)	·	\$ 50.00 30.00 50.00 60.00 30.00 100.00 30.00
SYCHOLOGISTS 78	8-52-7	2-1/28/82	Application Examination Renewal Certificate	\$ 50.00	\$ 65.00 75.00 100.00 10.00
<pre>ulBLIC ACCOUNTANTS  ** Since September 1982</pre>			Examination Re- Examination ( per part) Renewal Candidate Listing Reciprocity/Transfer of grades Cancellation Fee	\$ 50.00 10.00 25.00 es 50.00	**** \$ 100.00 20.00 50.00 30.00 10.00 10.00
ADIOLOGIC TECHNOLOGISTS			License Renewal-2 year Permit Examination Temp. Permit Certificate		20.00 10.00 10.00 15.00

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	PAGE	MAR NOTICE NO.	BOOK-DATE	FEE CATEGORY	FROM	TO
REGULATION	141	8-58-17	3-2/11/82	Initial Examination Re-Examination Rescheduling Examinations Change of Business Original Brokers License Annual Renewal Residents Brokers License Original Non-Resident Brokers License Original Non-Resident Brokers License Annual Renewal Non- Residents Brokers Original Salesmans Lic. Annual Renewal Salesmans Lic. Additional offices, an annual fe Duplicate Pocket Card Notice of Intention Questionnaire Appl Registration of Sub-Divided Lands Reinstatement of License Inactive Status	\$ 25.00 20.00 10.00 15.00 15.00 il fee il fee	\$ 35.00 20.00 25.00 50.00 50.00 30.00 30.00 10.00 10.00 100.00 500.00 500.00 500.00 500.00
.IANS	1822	8-60-6	24-12/31/81	Annual Renewal Application Reciprocity	\$ 10.00	\$ 30.00 75.00 35.00
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DEPARTMENT OF COMMERCE

1-17-83

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modifications							
POL BUREAU	Actual	Budgeted	Recommendation				
BUDGET DETAIL SUMMARY	FY 1982	FY 1983	FY 1984	FY 1985			
Full Time Equivalent Employees	34.92	33.82	34.74	34.74			
Personal Services	619,899.84	781,955	769,961	768,359			
Operating Expenses	524,168.60	690,474	774,518	820,134			
Equipment	20,688.05	2,736	4,660	2,660			
Grants	600.00	2,500	3,500	3,500			
Transfers	195,645.00	257,794	224,703	241,961			
Total Program Costs	\$1,361,001.49	\$1,735,459	\$1,777,342	\$1,836,614			
Earmarked Special Fund	1,361,001.49	1,735,459	1,777,342	1,836,614			
Total Funding Costs	\$1,361,001.49	\$1,735,459	\$1,777,342	\$1,836,614			
Current Level Services	1,353,393.73	1,735,459	1,737,385	1,795,310			
Modified Level Services	7,607.76	0	39,957	41,304			
Total Service Costs	\$1,361,001.49	\$1,735,459	\$1,777,342	\$1,836,614			

#### Program Description

The Professional and Occupational Licensing Bureau provides the administrative and clerical services required by the twenty-seven professional licensing boards. Services provided by the bureau include correspondence, application processing, issuing licenses, renewing licenses, monitoring continuing education, investigating complaints, administering and grading examinations, taking minutes of board meetings and maintaining board records. Services are provided to the following twenty-seven boards:

Board of Architects	Board of Physical Therapy Examiners
Board of Barbers	Board of Plumbers
Board of Chiropractors	Private Investigators
Board of Cosmetologists	Board of Professional Engineers and
Board of Dentistry	Land Surveyors
State Electrical Board	Board of Psychologists
Board of Hearing Aid Dispensers	Board of Public Accountants
Board of Horse Racing	Board of Radiologic Technologists
Board of Landscape Architects	Board of Realty Regulation
Board of Medical Examiners	Board of Sanitarians
Board of Morticians	Board of Speech Pathologists and
Board of Nursing	Audiologists
Board of Nursing Home Administrators	Board of Veterinarians
Board of Optometrists	Board of Water Well Contractors
Board of Pharmacists	

#### Modification Requests

Board of Architects - The board is requesting .08 FTE to implement an essay examination for licensure and continuing education requirements for renewals.

Cost: FY84 - \$1,783 FY85 - \$1,796

#### DEPARTMENT OF COMMERCE

POL BUREAU	Actual	Budgeted	Recommen	ndation
BUDGET DETAIL SUMMARY	FY 1982	FY 1983	FY 1984	<u>FY 1985</u>
'Full Time Equivalent Employees	34.92	33.82	34.74	34.74

Board of Dentistry - The board is requesting .15 FTE to monitor continuing education hours.

Cost: FY84 - \$3,362 FY85 - \$3,385

Board of Hearing Aid Dispensers - The board is requesting .06 FTE to handle increased workload in the area of enforcement.

Cost: FY84 - \$1,248 FY85 - \$1,256

Board of Morticians - The board is requesting .08 FTE to implement mandatory continuing education for renewal.

Cost: FY84 - \$1,921 FY85 - \$1,935

Board of Physical Therapy Examiners - The board is requesting .05 FTE to monitor continuing education hours.

Cost FY84 - \$1,114 FY85 - \$1,122.

Board of Public Accountants - The board is requesting increased funding in contracted services to audit Certified Public Accountants firms.

Cost FY84 - \$20,225 FY85 - \$21,439

Board of Water Well Contractors - The board is requesting a half-time inspector (.50 FTE) to handle increased workload.

Cost: FY84 - \$10,304 FY85 -\$10,371

Policy Issues

Historically, the boards have operated with inadequate budgets to cover inflated operating costs and legislation mandating additional board members and increased services. In order to bring the boards' operating expenses to realistic levels, the Executive Budget recommends additional funds for current level budgets. However, due to reorganization incorporating the boards into one program, some of these adjustments were omitted from the boards' budget requests. The boards are requesting an additional \$85,482 in FY84 and \$92,469 in FY85.

<u>Exhibit</u> F 1-17-83

### Department of Administration

# General Services Division Comparison of Fiscal Year Costs

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	Actual Fiscal 1982	Projected Fiscal 1983	0/0 Increase
Personal Services Contracted Services Supplies and Materials Communications Travel Rent Utilities Repairs and Maintenance Other Expenses Equipment	762,886 699,288 57,171 9,159 647 7,920 585,599 197,112 33,399 26,362	992,711 864,081 70,644 11,319 800 9,786 723,600 193,563 41,270 37,261	$30.1\% \\ 23.6\% \\ 23.6\% \\ 23.6\% \\ 23.6\% \\ 23.6\% \\ 23.6\% \\ (1.8)\% \\ 23.6\% \\ 41.3\%$
	2,379,543	2,945,035	
Test of current expenditures			
spending thru 12/31/82 add December utilities		1,426,976 70,000	
percent of year passed		1,496,976 ÷.50	
Total based on current spending		2,993,952	
Average cost per square foot annualized		<u>\$2.82</u> -	