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 JOHiN 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 MCCULIOUGH, 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 SAiIITARIANS
> 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 mast 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 luno 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 \#lo 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).

CAROLYM inquired if the new overnead 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 Progran" 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 \#ll 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 Commercefor 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 STOBIE 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 Administratin'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 abm.


REX MANUEL (AIRMAN

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 F．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 approxi－ mately ． 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 FEES CHARGED FOR LICENSURE OF FRIVATE 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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| Shop Renewal | $\$$ | 15.00 | $\$$ | 20.00 |
| :--- | :--- | :--- | :--- | :--- |
| Renewal-school |  |  |  | 25.00 |
| Renewal- |  |  | 15.00 |  |
| Exam-Apprentice |  | 28.00 |  |  |
| Exam-Barber |  | 23.00 |  |  |
| School License |  | 50.00 |  |  |
| Late Fee |  | 10.00 |  |  |


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| :--- | :--- | ---: | ---: | ---: |
| Examination | $\$$ | 25.00 | $\$$ | 125.00 |
| Re-Examination |  | 25.00 |  | 50.00 |
| Renewal | 25.00 |  | 50.00 |  |
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& \text { Professional Exam-B } 4 \text { part } \\
& \text { Professional Exam-B } 1 \text { part } \\
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& \text { Qualifying Test-Less than } 4 \text { parts } \\
& \text { (* per part) } \\
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& \text { Renewal-after July } 31 s t \\
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& \text { Documents Duplicated } \varepsilon \\
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ORSE RACING

* All fees effective since 1979
EE CATEGORY

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REGULATION


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| POL, BUREAU | Actual | Budgeted | Recommendation |  |  |
| :--- | :---: | :---: | :---: | :---: | :---: |
| BUDGET DETAIL SUMMARY | FY 1982 | FY | 1983 | FY | 1984 |

Full Time Equivalent Employees
34.92
33.82
34.74
34.74

Personal Services
Operating Expenses
Equipment
Grants
Transfers

Total Program Costs

Earmarked Special Fund
Total Funding Costs

Current Level Services
Modified Level Services

Total Service Costs

| $619,899.84$ | 781,955 |
| ---: | ---: |
| $524,168.60$ | 690,474 |
| $20,688.05$ | 2,736 |
| 600.00 | 2,500 |
| $195,645.00$ | 257,794 |
| $\$ 1,361,001.49$ | $\$ 1,735,459$ |
| $1,361,001.49$ | $1,735,459$ |
| $\$ 1,361,001.49$ | $\$ 1,735,459$ |
| $1,353,393.73$ |  |
| $7,607.76$ | $1,735,459$ |
| $\$ 1,361,001.49$ | $\$ 1,735,459$ |

\$1,361,001.49
21,735,459

LXNNU1 L $1-17-83$

Recommendation
DEPARTMENT OF COMMERCE
$\qquad$

768,359
820,134
2,660
3,500
241, 961
$\$ 1,836,614$
$1,836,614$
$\$ 1,836,614$
$1,795,310$
41,304
$\$ 1,836,61.4$

## Program Description

The Professional clerical services Services provide 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 Barbers
Board of Chiropractors
Board of Cosmetologists
Board of Dentistry
State Electrical Board
Board of Hearing Aid Dispensers
Board of Horse Racing
Board of Landscape Architects
Board of Medical Examiners
Board of Morticians
Board of Nursing
Board of Nursing Home Administrators
Board of Optometrists
Board of Pharmacists

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Board of Physical Therapy Examiners
Board of Plumbers
Private Investigators
Board of Professional Engineers and
                        Land Surveyors
Board of Psychologists
Board of Public Accountants
Board of Radiologic Technologists
Board of Realty Regulation
Board of Sanitarians
Board of Speech Pathologists and
    Audiologists
Board of Veterinarians
Board of Water Well Contractors
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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 - $\$ 1,796$

| POL BUREAU | Actual |  | Budgeted |  | Recommendation |  |
| :--- | :---: | :---: | :---: | :---: | :---: | :---: |
| BUDGET DETALL SUMMARY | FY 1982 | FY | 1983 | FY | 1984 | FY |
|  | 1985 |  |  |  |  |  |
| 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.

Exhibit F
$1-17-83$

General Services Division Comparison of Fiscal Year Costs

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

