

MINUTES OF THE MEETING OF THE APPROPRIATIONS SUBCOMMITTEE
ON NATURAL RESOURCES AND BUSINESS REGULATION
January 28, 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 28, 1983. Roll call was taken and all members were present. Also present were DICK GILBERT, LFA; CHAROLYN DOERING, OBPP; PATTI SCOTT, SECRETARY; and SENATOR JOHN MOHAR.

PROFESSIONAL AND OCCUPATIONAL LICENSING BOARDS - DEPARTMENT OF COMMERCE (Tape #31 Side A-001)

The Committee had previously approved funding for the majority of the Boards, but still had some questions for the Electrical Board, Water Well Contractors Board and the Morticians Board. The Committee also sent an open invitation to all other Boards, letting them know that if they anticipated any budget problems over the next biennium, now is the time to let the Committee know.

Attached are copies of the letters sent to the Boards, (EXHIBIT A) Also attached is the schedule. (EXHIBIT B)

BOARD OF CHIROPRACTORS, SANITARIANS, PLUMBERS (EXHIBIT C)

These Boards sent a letter thanking the Committee for support of their funding request.

BOARD OF MEDICAL EXAMINERS (Tape #31 Side A-029)

DR. LANE, Chairman of the Board of Medical Examiners thanked the Committee for their funding request. CHAIRMAN MANUEL inquired about the new EMT licensing and the concern in his area that requirements are becoming too stringent for the rural areas. Many people in his area are very discouraged over the new proposed rules. DR. LANE stated the Board is closely supervising the program. DR. LANE feels it is better to start with standards a little higher. Then if it is too stringent, they can be brought down to a realistic level.

BOARD OF WATER WELL CONTRACTORS

CHAIRMAN WES LINDSEY, and RON GOUSE, Board Member and employee of DNRC were present. SENATOR ED SMITH stated there is great concern that the apprenticeship requirements are too strict and keeping people out of the business. He asked if the industry is trying to build a monopoly. SENATOR SMITH is also concerned that he cannot use a seismograph crew to drill a well for him since they have the equipment and are cheaper.

WES LINDSEY stated their apprenticeship program is only one year, and most states have a two-year program. He feels it is important to have this program, because of groundwater protection. He stated 98% of complaints are about young people not knowing what they are doing. After one year in the Apprenticeship Program, they can take a

test. The test is 50 questions and 75% is passing. MR. LINDSEY stated it is illegal for seismograph crews to dig wells, but that they can lease the rig to the homeowner if he wants to drill himself.

SENATOR SMITH asked if someone wanted to be an apprentice, what happens if they can't find a licensed well driller to work for. Wes stated that has not been a problem and that he has several apprentices working under him. RON GOUSE stated the Board is under Sunset Review and that HB 373 re-establishes the Board. There is also another bill in to re-establish the Board and move it to the Department of Natural Resources. the Department of Natural Resources is neutral on this. WES stated all the licensees are against it.

BOARD OF MORTICIANS (Tape #31 Side A-466)

Appearing for the Board were VERNON VIAL, ROLAND PRATT, JEFF SHERLOCK AND DIANE CUTLER. CHAIRMAN MANUEL explained the Committee had passed on their current level funding, but not their MODIFICATION request of \$1921. VERNON VIAL stated they will be using this money for continuing education checks. Because of the constantly changing world of medicine, it is important that morticians keep up with this through mandatory continuing education requirements. DON PRATT stated that the question of Professional Conduct and Continuing Education were mandated with the last Sunset Audit. Also, because of lack of funds, the Board has not been inspecting mortuaries on a yearly basis. The last overall inspection was three years ago.

SENATOR SMITH asked why there needs to be a full-time attendant. VIAL said there does not need to be. An unlicensed person may answer the phone and be on general duty. However, an unlicensed person cannot make arrangements nor counsel people.

SENATOR BOYLAN said continuing education can be a problem for some people in the rural areas. VIAL stated there are numerous home courses available. DIANE CUTLER said the new proposed rules allow for exceptions for those who have a hardship in getting training.

BOARD OF NURSING (Tape #31 Side B-129)

DONNA SMALL appeared for the Board. She thanked the Department and explained \$9000 was left over from last biennium because some proposed rules which were supposed to be published did not get finished in time.

REPRESENTATIVE STOBIE asked about the large fund balance. DONNA stated the fee is still only \$10 and has not increased since

1977. She is aware the licensees want the Board to spend the money, but that the Board is faced with three major complaints, which will probably end up in court. This money will be used for that. DONNA said a possible problem may be lack of funds to mail their laws and rules to all licensees. They anticipated printing only 3500 copies, but recent interest may mean mailing to all 12,000 licensees.

BOARD OF ARCHITECTS (Tape #31 Side B-349)

BONNIE DONAHUE appeared on behalf of the Board. She thanked the Committee for their appropriation.

HORSE RACING (EXHIBIT D)

LINDA KING appeared on behalf of the Board. She thanked the Committee for their appropriation. She stated that this past year has made a tremendous difference in this industry with the hiring of a full-time Executive Secretary. The only foreseeable problem may be a need for a Budget Amendment because of the requests for more racing days.

One percent of the total handle goes to the Board, and 19% goes back to the track for expenses. 80% is paid out in bets.

Approximately \$100,000/year comes back to the Board in unclaimed winnings. There is a forthcoming bill that these unclaimed winnings stay with each track where they were bet.

Members on the Committee agreed that the industry has indeed been cleaned up and thanked the Board of Horse Racing for the job they are doing.

STATE ELECTRICAL BOARD (Tape #32 Side A-085)

Appearing on behalf of the Board were KEN OLSEN, JERRY PAINTER, AL BERSANTI, and CHUCK HAUGE. REPRESENTATIVE STOBIE asked about the minimum experience requirement. MR. PAINTER stated that applications are reviewed individually by the Board. If an applicant is turned down, they may appeal.

MR. HAUGE, Administrative Officer for the Board, stated the Educational Testing Service (ETS) in Princeton, New Jersey is now giving the exam. The Electrical Board switched to ETS mainly for standarization with other states. KEN OLSEN said the Board itself is not qualified to test and this is why they went to a professional testing service.

REPRESENTATIVE STOBIE asked why a person with technical schooling cannot take the exam. KEN OLSEN said the Board has the discretion of granting two years of experience for the two years of schooling, but that only certain courses qualify for this. REPRESENTATIVE STOBIE asked how an applicant is to know, if the Board does not publish a list showing what courses are considered adequate. MR. OLSEN stated each applicant is considered individually, and must be a decision by the Board, as they judge the content of various courses.

JERRY PAINTER stated that as the public member on the Board, he feels the public is being protected by the licensing procedures of the Board.

SENATOR SMITH asked why someone doing wiring in rural areas had to know all of the codes for the larger city requirements. MR. OLSEN stated the electrical trade operates under the National Electrical Code. The test itself is made up of people from the field. When an electrician is licensed, that entitles him to work anywhere in Montana. Depending on his license, it also says what type of work he can do. It is not feasible to license someone just for "city" wiring or "rural" wiring.

MR. OLSEN felt it was the responsibility of the applicant to seek out the information on licensing. He feels all information is provided. The problems they usually have with applicants are those who fail to provide all of the requested information.

MR. OLSEN stated the applications have not changed in ten years. The Board only operates under the statutes mandated by Legislature. He feels he is always being "chewed out" for things the Board has no control over. If the Legislature doesn't like it, then they should help to change it.

REPRESENTATIVE HEMSTAD asked what the specific criteria for educational requirements are. MR. OLSEN stated it is done on an individual basis.

The Committee then went into work session. (Tape #32 Side B-100)

WATER WELL CONTRACTORS BOARD

REPRESENTATIVE STOBIE MOVED TO APPROVE THE CURRENT LEVEL FUNDING.
MOTION PASSED UNANIMOUSLY.

SENATOR LANE MOVED TO APPROVE THE MODIFICATION. MOTION PASSED
UNANIMOUSLY.

BOARD OF MORTICIANS

REPRESENTATIVE HEMSTAD MOVED TO APPROVE THE MODIFICATION. MOTION PASSED UNANIMOUSLY.

ELECTRICAL BOARD (Tape #32 Side B-219)

The Committee delayed action on the Board's budget. It was the feeling of the Committee that the general attitude of this Board is that they are not really interested in helping the public. Also, their criteria used in approving applications is subjective with no uniformity.

TOTAL FUNDING FOR POL

REPRESENTATIVE STOBIE MOVED TO APPROVE THE NEW TOTAL FUNDING AS PRESENTED BY OBPP, EXCLUDING THE ELECTRICAL BOARD. MOTION PASSED UNANIMOUSLY.

DEPARTMENT OF AGRICULTURE (Tape #32 Side B-396)

MODIFICATION FOR THE AUDITORS

The two positions the Department is giving up are not General Funded. These two positions they are requesting are General Funded.

SENATOR LANE asked the Committee to wait on their decision. He feels the positions may be justified, and would like more information.

DEPARTMENT OF STATE LANDS (Tape #32 Side B-479)

PERSONAL SERVICES

UPGRADES

SENATOR SMITH noted that each of the people receiving upgrades will be earning approximately \$1,000 to \$3,000 more a year. He feels there must be some way to monitor this process as it escapes Legislative review.

CAROLYN DOERING stated that the "upgrading" process goes on continuously. Had it not been so late in the year, this Committee would have never picked it up. REPRESENTATIVE HEMSTAD felt that this is an unusual case for so many upgrades to happen at once. CHAIRMAN MANUEL noted they are losing these people to private industry. SENATOR SMITH remained unconvinced and still felt the process is wrong as it forces the Committee to accept something beyond their control.

SUBCOMMITTEE ON NATURAL RESOURCES AND BUSINESS REGULATIONS Page 6
January 28, 1983

REPRESENTATIVE HEMSTAD MOVED TO APPROVE THE PERSONAL SERVICES BUDGET OF \$953,904 UNDER DURESS. THAT THIS COMMITTEE HAS NO CONTROL NOR CHOICE BUT TO APPROVE. MOTION PASSED WITH SENATOR SMITH VOTING NO. (REPRESENTATIVE STOBIES WAS EXCUSED.)

The meeting adjourned at 11:50 a.m.



REX MANUEL, Chairman

VISITOR'S REGISTER

HOUSE SubCom on Nat Res & Business COMMITTEE

BILL _____

DATE 1-28-83

SPONSOR _____

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
John A. Layne	Great Falls	Board, Med. Examiners		
Issie Pistelak	E. Helena	Dept. of Commerce		
Deanna Bronhofs	Helena, Mt.	visiting		
Shirley M. Walker	Helena	P.O. & Commerce		
Donna Small	1208 Oakland Dr. Billings	Bd of Nursing		
Ronald J. Touse	Helena	D. N. R. & C.		
W. Saly	Clancy Mont.	Water Well		
Verne Vear	St. Falls, Mont.	Bd. of Morticians		
Calvin W. Hunt	Helena	MT Funeral Directors Assoc		
Jeff Shulman	Helena	Bd. Morticians		
Grand Cuthbert	Helena	Bd of Morticians		
Bonnie Dopheus	St. Falls	Bd of Architects		
Linda King	Helena	Bd of Horse Racing		
E. F. Hauge	Helena	St. Elec Bd.		
Dr. Beronzi	Butte -	St. Elec Bd.		
J. Pawster	St. Falls	State Elec Bd		
Ken Olson	Billings	" " "		

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Exhibit A
1-28-83



The Big Sky Country

MONTANA STATE HOUSE OF REPRESENTATIVES

TO: STATE ELECTRICAL BOARD

FROM: JOINT HOUSE APPROPRIATIONS AND SENATE FINANCE AND
CLAIMS SUBCOMMITTEE ON NATURAL RESOURCES AND BUSINESS
Room 132, State Capitol, Helena, Montana 59620

Representative Rex Manuel, Chairman
Senator Ed B. Smith, Vice-Chairman
Representative Chris Stobie
Representative Andrea Hemstad
Senator Paul Boylan
Senator Leo Lane

RE: FY84 and FY85 Appropriation Requests

DATE: January 19, 1983

This Joint Subcommittee has not acted on your FY84 and FY85 budget request. We wish to meet with the Chairman of your Board or his representative(s) to clear up some questions we have concerning your Board and its' functions.

We have reserved Friday morning, January 28, 1983, for a meeting with you. Please call our Secretary, Patti Scott, to arrange a convenient time. (449-4877)

We thank you for your cooperation.

1-28-83



The Big Sky Country

MONTANA STATE HOUSE OF REPRESENTATIVES

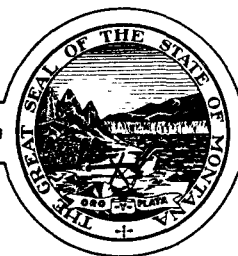
JOINT HOUSE APPROPRIATIONS AND SENATE FINANCE AND CLAIMS
SUBCOMMITTEE ON NATURAL RESOURCES AND BUSINESS REGULATION

January 28, 1983

- 8:15 a.m. Board of Medical Examiners
- 8:30 Board of Water Well Contractors
- 8:45 Board of Morticians
- 9:15 Board of Nursing
- 9:30 Board of Architects
- 9:45 Board of Horse Racing
- ~~10:00 Board of Pharmacy~~ cancelled
- 10:15 State Electrical Board

BOARD OF CHIROPRACTORS
DEPARTMENT OF COMMERCE

LXIII DITA
1-28-83



TED SCHWINDEN, GOVERNOR

1424 9TH AVENUE

STATE OF MONTANA

(406) 449-3737

HELENA, MONTANA 59620-0407

January 27, 1983

TO: Members, Appropriations Committee
1983 Legislative Session

FROM: Mary Lou Garrett, *mlg* Administrative Officer
Board of Chiropractors

On behalf of the Board of Chiropractors, we would like to take this opportunity to thank the members of the committee for their consideration and support of the funding requests of the board.

The board feels that the budget requests for FY 84 & 85 are adequate and they see no problem in staying within the limits of the proposed budget requests.

	DAYS	HANDLE	COMM	COMM		Racing	OF DAYS	HANDLE	
2	*Last Chance Racing-Helena	6	441,503.00	88,300.60	4,415.03	4,025.20	349,605.90	6	419,350
	*Cow Capital Turf Club-Miles City	12	330,307.00	66,061.40	3,303.07	3,173.80	261,287.90	12	391,181
	Big Sky Racing Assn-Gt. Falls	18	1,627,268.00	325,453.60	16,272.68	12,315.40	1,289,499.00	15	1,401,990
	*Last Chance Racing-Helena	8	721,771.00	144,354.20	7,217.71	5,863.80	571,552.70	6	492,454
	*Marias Fair-Shelby	4	149,116.00	29,823.20	1,491.16	1,589.90	117,702.90	4	132,654
	State Fair-Great Falls	12	1,032,693.00	206,538.60	10,326.93	7,812.70	818,341.70	9	927,362
82	*Fallon County Fair-Baker	3	30,469.00	6,093.80	304.69	313.17	24,064.90	2	32,044
82	*Northwest Mt. Fair-Kalispell	6	400,729.06	80,145.80	4,007.29	3,081.80	317,895.00	6	426,504
82	*Rosebud Co. Fair-Forsyth	3	26,017.00	5,203.40	260.17	300.90	20,512.70	3	30,087
82	*Western Mt. Fair-Missoula	6	536,373.00	107,274.60	5,363.73	5,821.60	423,276.80	6	533,410
82	*Ravalli Co. Fair-Hamilton	4	174,224.00	34,844.80	1,742.24	2,132.60	137,246.60	4	178,103
82	Yellowstone Exhibition-Billings	33	5,063,825.00	1,012,765.00	50,638.25	36,314.50	4,014,745.50	39	5,363,811
82	*Flatlanders-Baker	6	59,118.00	11,823.60	591.18	684.70	46,641.50		0
	*Northeast Mt. Fair-Glasgow	4	55,340.00	11,068.00	553.40	647.70	43,624.30		0
	Total	125	10,648,753.06	2,129,750.60	106,487.53	84,077.77	8,436,001.04	112	10,328,950

Exhibit D

YELLOWSTONE HARNESS, BILLINGS

APRIL- 16,17,20,23,24,27,30

MAY- 1,4,7,8,11,14,15,18,21,22,25,28,29,30

JUNE- 1,4,5,8,11,12 27

COW CAPITAL TURF CLUB, MILES CITY

APRIL- 30

MAY- 1,7,8,13,14,15,20,21,22,28,29,30 13

LAST CHANCE RACING, HELENA

APRIL- 30

MAY- 1,7,8,14,15,

JULY- 1,2,3,4,9,10,16,17, 14

BIG SKY HORSE RACING ASSN, GREAT FALLS

MAY- 21,22,28,29,30

JUNE- 4,5,8,11,12,15,18,19,22,25,26,29

JULY- 6,13,20 20

SOUTH EAST HORSE RACING, BAKER

JUNE- 11,12,18,19,25,26,

JULY- 2,3,4 9

MARIAS FAIR, SHELBY

JULY- 21,22,23,24 4

STATE FAIR, GREAT FALLS

JULY- 27,28,29,30,31

AUGUST- 1,2,3,4,5,6,7 12

NORTHEAST MONTANA FAIR, GLASGOW

JULY- 30,31

AUGUST- 1,2,3 5

YELLOWSTONE EXIBITION, BILLINGS

AUGUST- 10,11,12,13,14,15,16,17,18,19,20,21,27,28,31 15

SEPT.- 1,3,4,5,7,8,10,11,14,15,17,18,21,22,24,25,28,29 18

OCT.- 1,2 2

NORTHWEST MONTANA FAIR, KALISPELL

AUGUST- 12,13,14,19,20,21 6

ROSEBUD COUNTY FAIR, FORS

15, 16, 17

AUGUST- 16, 17, 18, ~~OR 19, 20, 21~~

3

FALLON COUNTY FAIR, BAKER

AUGUST- 19, 20, 21

3

WESTERN MONTANA FAIR, MISSOULA

AUGUST- 23, 24, 25, 26, 27, 28

6

RAVALLI COUNTY FAIR, HAMILTON

SEPT.- 1, 2, 3, 4

4

DEPARTMENT OF COMMERCE

Exhibit

POL BUREAU BUDGET DETAIL SUMMARY	Actual	Budgeted	Recommendation	
	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

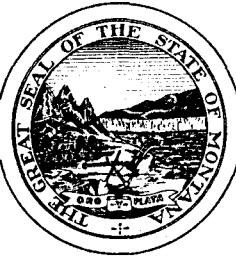
Policy Issues

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.

BOARD OF SANITARIANS
DEPARTMENT OF COMMERCE

EXHIBIT C

1-28-83



1424 9TH AVENUE

STATE OF MONTANA

(406) 449-3737

HELENA, MONTANA 59620-0407

January 26, 1983

Representative Rex Manual, Chairman
Joint House Appropriations & Senate
Finance and Claims Subcommittee
Room 132
State Capitol
Helena, MT 59620

Dear Representative Manual:

The Board of Sanitarians wishes to take this opportunity to thank your committee for the time and consideration expended on the board appropriation budget.

If the board can be of any assistance to you or if the committee has any questions, please let us know.

Sincerely,

Sam Kalafat
Sam Kalafat
Chairman
Board of Sanitarians

cc: file