

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION**

JOINT SUBCOMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN ROGER DEBRUYCKER**, on February 17, 1993, at 7:30 A.M.

ROLL CALL

Members Present:

Rep. Roger DeBruycker, Chairman (R)
Sen. Cecil Weeding, Vice Chairman (D)
Sen. Gerry Devlin (R)
Sen. Greg Jergeson (D)
Rep. John Johnson (D)
Rep. William Wiseman (R)

Members Excused: None

Members Absent: None

Staff Present: Terri Perrigo, Legislative Fiscal Analyst
Florine Smith, Office of Budget & Program
Planning
Theda Rossberg, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: DEPARTMENT OF COMMERCE
Public Safety Division
Building Codes Bureau
Milk Control Bureau
Political Bureau
Weight & Measures Bureau

Executive Action: DEPARTMENT OF COMMERCE
Building Codes Bureau
Milk Control Bureau
Political Bureau
Weight & Measures Bureau
Public Safety Division

Jim Kembel, Administrator, Public Safety Division, gave an overview of the division.

He said the division is comprised of the Building Codes Bureau,

Milk Control Bureau, Weights and Measures Bureau, and the Professional and Occupational Licensing Bureau.

HEARING
BUILDING CODES BUREAU

The Building Codes Bureau protects the health and safety through building codes such as electrical, plumbing, mechanical, energy for recreational vehicles and buildings. The Bureau also handles licensing of contractors which is funded with approximately \$37,000 of general fund.

He said there has been a 192% increase in building permits since 1992, about a 50% increase in mechanical, 15% in plumbing and 45% in electrical permits. Each year the division issues about 13,082 permits, performs 30,325 inspections, and issues 1,000 elevator permits and 500 licenses that involve about 500 miles of travel.

Terri Perrigo, Legislative Fiscal Analyst, reviewed the budget difference with the committee. EXHIBIT 1.

Florine Smith, Office of Budget Program and Planning, stated the target reduction for this division is \$37,802.

HEARING
MILK CONTROL BUREAU

Mr. Kembel said the Bureau is in place to ensure minimum pricing requirements, fair trade rules, extension of credit and financing prohibition to guarantee an adequate supply of milk to the public. The Bureau provides information and support to enable the Board of Milk Control to implement rules that are current with legislative intent. He said he also serves as the Board of Milk Control's Executive Secretary. They are currently running a statewide milk pool that spreads milk losses statewide rather than in one area.

The Bureau has 6.0 FTE that conduct regular audits of eight milk processing plants. They also investigate complaints and milk pricing across the state. About 27 mailings each year are sent out and they travel about 37,000 miles.

Ms. Perrigo reviewed the budget difference with the committee. EXHIBIT 2.

HEARING
PROFESSIONAL AND OCCUPATIONAL LICENSING (POL) BUREAU

Mr. Kembel said the bureau is in place to safeguard public safety and health for the citizens of Montana. The bureau provides administrative and clerical services to all the licensing boards, as well as legal support. There are 36.5 FTE in the Bureau. The Bureau holds about 90 board meetings per year. The workload

continues to increase because of complaints of licensing. The Board asked for 11.0 additional FTE to assist them with their workload. Those were reduced to 4.0 FTE in the Executive Budget modification: an attorney, an investigator, an administrative assistant, and a clerical aid.

Ms. Perrigo reviewed the budget differences with the committee.
EXHIBIT 3.

REP. JOHNSON asked if there was going to be a program for impaired nurses.

Mr. Kembel said the Board of Nursing received authority to create an impaired nurses program in the last legislative session, but it was not fully implemented. The Board of Medical Examiners and Board of Dentistry are partners in their impaired program. Medical pays two-thirds of the cost and Dentists pay one-third.

REP. JOHNSON asked if the Bureau added an additional inspector for the Board of Cosmetology. Mr. Kembel said an additional inspector was added in the last legislative session for a total of 2.0 FTE.

Ms. Smith said in the various boards of this budget, there is what is called a re-charge that helps support the Administrative Support Unit. After the committee takes executive action, authority is requested to recalculate the indirect charges for the correct figures.

Mr. Kembel said all the programs within the division are self-supporting programs with the exception of the contractors' licensing program in the Building Codes Bureau.

HEARING WEIGHTS AND MEASURES BUREAU

Mr. Kembel said the Weights and Measures Bureau is the other program that is general funded, but it generates approximately 53 % of the programs cost through fees which are deposited in the general fund. The purpose of the Bureau is to regulate all measuring devices used in commercial transactions as well as regulating all packaging, petroleum products and licensing devices. The Bureau inspects all the devices to make sure they are accurate. The Bureau has a certification program where a seal is put on an incorrect device until the device is corrected.

This legislative session the Bureau has proposed to become self-supporting through an increase in fees.

Some of the test vehicles have over 170,000 miles. They carry over 10,000 pounds of dead weight and travel a lot of gravel roads. One test vehicle has already cost \$3,500 in repairs this year. If they break down in a rural area, it is difficult to get them repaired.

SEN. DEVLIN asked how much the test fees were. Mr. Kembel said the fees generate about \$240,000 per year.

Ms. Perrigo reviewed the budget difference with the committee. EXHIBIT 4.

SEN. DEVLIN asked if the proposed legislation would divert the amount going into the general fund to state special revenue. Mr. Kembel said that is correct and it would make the Bureau self-supporting. The fees are collected from ranchers, elevators and retailers.

Ms. Smith said in the funding switch included in the modification there is \$63,300 in the first year and \$26,661 in the second year for equipment. Mr. Kembel said some of the equipment is required by the federal government.

CHAIRMAN DEBRUYCKER said he agreed that a lot of that equipment is needed; but even with the funding switch, general fund is increased by \$63,000.

HEARING
PUBLIC SAFETY DIVISION

Mr. Kembel said the division provides administration, management, and coordination of activities of the Building Codes Bureau, Milk Control Bureau, Professional and Occupational Licensing Bureau, and Weights and Measures Bureau.

He said the division's goal is to provide a safe environment for the public through all of the programs.

The legal services contingency fund is transferred to the Board that incurs legal costs and is funded with the license fees from each Board. Previously a budget amendment would have to be requested for unanticipated legal costs.

Tape 1, B.

Ms. Perrigo reviewed the budget differences with the committee. EXHIBIT 5. Mr. Kembel reviewed the Building Codes Bureau's budget.

Contracted Services:

He said \$5,000 is to contract with a contract plan reviewer during peak workloads. They try to complete a review within two weeks. About \$2,000 is for a secretary to process the reviews. In addition, the electrical and plumbing inspectors have requested \$5,000 in case there is a need for a legal investigation.

SEN. DEVLIN asked what the Bureau was spending now in Contracted Services. Ms. Smith said there were no educational expenditures in 1992, but about \$31,600 was spent on contracted services.

EXECUTIVE ACTION
BUILDING CODES BUREAU

Contracted Services:

Motion/Vote: SEN. JERGESON moved to approve the Executive for \$18,114 each year of the biennium for Contracted Services.
MOTION CARRIED UNANIMOUSLY.

Equipment:

Mr. Kembel said the Bureau is replacing eleven small pickups and six sedans on a three replacement schedule.

SEN. DEVLIN asked what the base was for vehicle replacement.
Ms. Perrigo said in the Building Codes Bureau they spent \$170,000 on vehicles and \$2,000 on office equipment in FY92.

SEN. WEEDING asked whether, if the committee approved the LFA budget, there would be zero in FY94 and \$79,265 in FY94. Mr. Kembel said that was correct; they would be bought in the second year.

REP. JERGESON asked what the appropriation would be for the Executive and the LFA each year for equipment. Ms. Perrigo said in the Executive it would be \$39,059 in FY94 and \$112,060 in FY95. In the LFA it would be \$4,400 in FY94 and \$191,425 in FY95. The LFA is higher than the Executive by \$79,265.

Budget Modifications

Additional Building Inspectors:

Mr. Kembel said this modification would add 5.0 FTE for inspectors. With the current workload the inspectors have to do an inspection about every 15 minutes with is impractical. The 4.0 temporary FTE would be continued and 1.0 FTE would be added. He said the division had adequate fee revenue to pay for them.

SEN. WEEDING asked if the Bureau had a fund balance. Mr. Kembel said yes, because there wasn't the additional staff they had before.

Motion/Vote: REP. JOHNSON moved to approve the Executive for \$188,188 in FY94 and \$244,622 in FY95 for Additional Building Inspectors modification. Motion CARRIED unanimously.

Language and Other Issues

Vacant Positions:

Mr. Kembel said an individual took a leave of absence and another person was moved to fill in for that person. Unfortunately, the snapshot was taken before the other person returned to work and subsequently, it showed up as a vacant position.

Motion/Vote: SEN. WEEDING moved to approve the restoration of

position #65093, License/Certification/Permit Clerk. Motion CARRIED 5-1 with SEN. DEVLIN voting no.

Motion/Vote: SEN. JERGESON moved to approve the Target Reduction of \$37,802 in FY94 and \$36,354 in FY95 by replacing the general support of the Public Contractors licensing function fund with state special revenue. Motion CARRIED unanimously.

EXECUTIVE ACTION
MILK CONTROL BUREAU

Legal Contingency:

Mr. Kembel said there is a constant hassle over new rules in the regulation of milk prices. There is no control over the request of the Board. If a rule change is requested, the Board is bound to have a hearing. Because of not knowing when a request would happen, spending authority is needed to cover that expense.

Motion/Vote: SEN. JERGESON moved to approve the Executive for \$5,860 each year of the biennium for Legal Contingency. Motion CARRIED unanimously.

EXECUTIVE ACTION
PROFESSIONAL AND OCCUPATIONAL LICENSING (POL)

Mr. Kembel said he would like to take the Board of Medical Examiners and the Board of Dentistry together. These two programs got together and are splitting the cost of their impairment program; two-thirds medical and one-third for dentists.

Board of Medical Examiners:

Motion/Vote: REP. JOHNSON moved to approve the Executive for \$47,517 each year of the biennium for the Board of Medical Examiners. Motion CARRIED unanimously.

Board of Dentistry:

Motion/Vote: REP. JOHNSON moved to approve the Executive for \$22,886 each year of the biennium for the Board of Dentistry. Motion CARRIED unanimously.

Board of Nursing:

Mr. Kembel said it is for impaired Nurses.

SEN. DEVLIN asked the meaning of impaired nurses. Mr. Kembel explained the impaired nurses program is to help those individuals who are chemically dependent and referred to treatment. Unfortunately, the medical field has exposure to sources and is becoming a nationwide problem.

Steve Meloy, Chief, POL Bureau, said the program is unique in

that it allows the impaired professional a chance to be rehabilitated without losing his/her license. The program is for psychological disorders as well as chemical dependency. There are 57 doctors in Montana involved in the program.

Contracted Services:

Motion/Vote: REP. JOHNSON moved to approve the Executive for \$58,500 in FY94 and \$75,000 in FY95 for Contracted Services. Motion CARRIED unanimously.

Legal Services:

Mr. Kembel said the workload is increasing with complaints and it was necessary to seek outside legal help.

SEN. WEEDING asked what the nature of the legal problems were. Mr. Meloy explained there was a contested case where a doctor may cost the Board \$25,000 to \$30,000. There is a case with the Board of Nursing that is before the Supreme Court with intensive litigation.

SEN. WEEDING asked if they were malpractice or grievance disagreements. Mr. Meloy stated they involve narcotics and a potential for drug abuse.

Mr. Kembel said morphine that wasn't being properly handled was the subject of one complaint.

CHAIRMAN DEBRUYCKER asked why there was a big increase in FY95.

Ms. Perrigo said originally the appropriation for Legal Services was \$15,000 each year. However, there was another \$21,500 each year for Contracted Services which was inadvertently left out of LFA current level in fiscal 1995 and that is the reason for the increase.

SEN. WEEDING asked what other Legal Services there are. Ms. Perrigo said \$15,000 was spent for Legal Service for the Board of Nursing in FY92.

SEN. DEVLIN asked if that amount should be spread over two years. Mr. Kembel said there were 84 complaints in FY92, 120 in FY93, and 154 registered with the Board of Nursing in FY94.

SEN. DEVLIN asked how much the fees were. Mr. Kembel said there are 12,138 licensed nurses in the state and they pay a fee for each license.

Motion/Vote: SEN. JERGSON moved to approve the Executive for \$15,000 in FY94 and \$36,500 in FY95 for Legal Services. Motion CARRIED unanimously.

Contracts with Non-Profits:

Mr. Kembel said that money is used for the Helena Industries to

fold and do mailings for the Board of Nursing.

Ms. Perrigo said in FY92 the division spent \$1,892 for Contracts with Non-Profits.

Motion/Vote: SEN. JOHNSON moved to approve the Executive for \$2,500 each year of the biennium for Contracts with Non Profits. Motion CARRIED 4-2 with REP. WISEMAN and SEN. DEVLIN voting no.

Board of Cosmetology:

Mr. Kembel said the request is for another cosmetology inspector position which is currently filled.

Motion/Vote: REP. JOHNSON moved to approve the Executive for \$22,774 each year of the biennium for Board of Cosmetology. Motion CARRIED unanimously.

Board of Outfitters:

Mr. Kembel said people are becoming aware that the outfitters exist; this is resulting in an increased workload. Because of that, there has been an increase of complaints. The Division has three inspectors.

Tape 2, A.

He said of the \$6,500 increase, \$2,500 is for miscellaneous supplies for the inspectors.

Mr. Meloy said there is hunting and fishing with outfitters all year and in the past, there weren't enough funds to get through the entire year. The outfitters have to coordinate with Fish, Wildlife and Parks; BLM and the Forest Service.

REP. WISEMAN said when the Board of Outfitters was split-up with FWP, they got a 0.75 FTE and that is all the personnel they had. He asked whether, if the proposed bill to hire an executive director is passed, that would affect the amount in this budget.

Mr. Kembel said that could affect one of the contract investigator positions currently doing the coordinating. Last year the division spent about \$11,000 for that position.

SEN. JERGESON asked how these contracted employees would be classified if they were FTE. Mr. Kembel said they would probably be a grade 10 and with benefits; it would be more costly than contracting for that individual. He said the 65% increase is not paying the investigators more for what they do; it is for additional work performed due to complaints that have to be investigated.

Motion: SEN. JERGESON moved to approve the Executive for \$16,925 in FY94 and \$15,575 in FY95 for Board of Outfitters.

Discussion:

SEN. WEEDING asked if the investigators have law enforcement

training.

Mr. Kembel said they are hiring licensed private investigators. The Board works with FWP on undercover covert operations and they help out in checking licenses, etc.

Vote: Motion CARRIED unanimously.

Contracted Services/Travel Printing:

Mr. Kembel said there are circumstances where members may not be able to attend board meetings, so it is difficult to budget for travel. There are a lot of statute changes due to legislation and there are costs for mailing those changes to the licensees. There currently are over 90 pieces of legislation involving the POL Bureau.

Motion/Vote: SEN. JERGESON moved to approve the executive budget for \$33,306 in FY94 and \$27,947 in FY95 for Contracted Services/Travel Printing. Motion CARRIED 5-1 with CHAIRMAN DEBRUYCKER voting no.

Minor Differences:

Motion/Vote: SEN. WEEDING moved to approve the Executive of \$4,605 in FY94 and (\$11,149) in FY95 for Minor Differences. Motion CARRIED unanimously.

Budget Modifications

POL Board Requests:

Mr. Kembel said the Board of Tramways is extremely important for the safety of skiers. The engineers inspect the tramways each year and the budget request is for \$10,000 each year of the biennium. The engineers were not able to inspect all the trams last year.

Ms. Perrigo said the Board spent \$11,400 in FY94, and the \$10,000 request is in addition to that.

Motion/Vote: SEN. JERGESON moved to approve \$10,000 each year of the biennium for the Board of Tramways. Motion CARRIED 5-1 with SEN. WEEDING voting no.

Board of Outfitters - Mr. Kembel said the Board requested an additional \$10,000 for covert operations with FWP to do investigations.

One shipment of illegal elk shipped across the border was worth \$300,000. The illegal outfitters are big business in Montana.

SEN. DEVLIN asked if this was a grant to FWP for them to expand their investigative efforts. Mr. Kembel said it is a contract with FWP because they have the necessary staff.

SEN. DEVLIN asked if that \$10,000 shows up in FWP's budget as a

revenue source. Mr. Kembel said it probably shows up as a revenue source; they are not asking for an additional budget increase.

Motion/Vote: SEN. DEVLIN moved to approve \$10,000 each year of the biennium for the Board of Outfitters. Motion CARRIED 5-1 with SEN. JERGESON Voting no.

Motion/Vote: REP. JOHNSON moved to approve the Board of Sanitariums for \$3,470 each year of the biennium; Board of Private Security Patrolmen & Investigators for \$7,000 each year of the biennium; Board of Dentistry for \$2,199 each year of the biennium; Board of Veterinary Medicine for \$2,680 each year of the biennium; and Board of Barbers for \$5,000 each year of the biennium. Motion CARRIED unanimously.

Board of Radiologic Technologists - Mr. Kembel said this Board has the authority to inspect the persons doing X-Rays. The budget proposal is for \$30,000 each year to contract for an inspector. HB 165 provides the board with an FTE for those inspections. However, if that bill does not pass the board would need the \$30,000 request. He said there is language to the effect that "if the bill passes, the request is decreased by \$30,000..."

Motion/Vote: SEN. JERGESON moved to approve \$30,000 each year of the biennium for an inspector for the Board of Radiologic Technologists. Motion CARRIED 5-1 with SEN. WEEDING voting no.

Board of Athletics - Mr. Kembel said Todd Foster, the state boxer, has raised havoc with this budget. The increased budget request is to cover the cost of those events.

Motion/Vote: SEN. DEVLIN moved to approve \$20,500 in FY94 and \$21,500 in FY95 for the Board of Athletics. Motion CARRIED 5-1 SEN. WEEDING voting no.

Board of Real Estate Appraisers - Mr. Kembel said federal law requires all real estate appraisers to be filed with the federal registry. The \$12,000 request is to cover those costs.

Motion/Vote: SEN. JERGESON moved to approve \$12,500 each year of the biennium for the Board of Real Estate Appraisers. Motion CARRIED 4-2 with SEN. WEEDING and SEN. DEVLIN voting no.

POL Pool Workload Increase:

First part of modification - Mr. Kembel said an additional 4.0 FTE are needed to handle an attorney, investigator, administrative assistant and clerical needed to handle the increased workload of the Boards.

CHAIRMAN DEBRUYCKER asked if the Board contracted for most of its legal services. Mr. Kembel said no, the attorneys handle all the board's legal services. Occasionally they contract with outside

attorneys when a case is beyond their expertise, such as the recent case with the Board of Nursing. Currently, there are three staff attorneys trying to handle the workload. Each attorney handles about ten boards each.

Motion/Vote: SEN. JERGESON moved to approve the Executive of 4.0 FTEs - \$153,182 in FY94 and \$135,172 in FY95 for the POL Pool Workload Increase. Motion CARRIED 5-1 with CHAIRMAN DEBRUYCKER voting no.

Second part of the Modification - Mr. Kembel said the request is to begin to move forward the Local Area Network (LAN) computer system. Ms. Doering said it will take until 1997 to complete the LAN conversion.

Mr. Hutchinson said the move to the computer-based system will improve activity, and the software developed for the PC is repeatedly upgraded for the system. In upgrading the software three times, a document has never had to be altered. There is a large initial investment; but with software continuing to be upgraded, it is compatible with the LAN system.

Motion/Vote: SEN. JERGESON moved to approve the Executive for \$50,000 in FY94 for computer equipment. Motion CARRIED unanimously.

Language and Other Issues

Vacant Positions:

Mr. Kembel said the 0.70 FTE that was vacant at the time of the snapshot is a back-up for major license renewal sites and only works a certain time of the year.

Motion: SEN. JERGESON moved to restore a 0.70 FTE for \$13,401 in FY94 and \$13,426 in FY95.

Discussion:

SEN. DEVLIN asked if the licensing workload was staggered.

Mr. Kembel said yes; but with the Board of Nursing, for example, there are a lot of licenses to process.

Vote: Motion CARRIED 4-2 with CHAIRMAN DEBRUYCKER and SEN. DEVLIN voting no.

Language:

Motion/Vote: SEN. DEVLIN moved to approve the following language: "If House Bill 82 (Executive Director for Board of Outfitters) is not approved, state special revenue in (POL Bureau) is increased by \$10,000 to fund an investigations coordinator for the Board of Outfitters." Motion CARRIED 5-1 with SEN. JERGESON voting no.

EXECUTIVE ACTION
WEIGHT & MEASURES BUREAU

Printing:

Mr. Kembel said the Bureau would be willing to stay with the LFA budget for Printing.

Gasoline/Travel:

Mr. Kembel said, because of injuries to personnel, the Bureau lost five months which is reflected in gasoline and travel expenditures. Repair costs for equipment are increasing, and the equipment that was sitting idle is now in operation. Subsequently, the Bureau needs the budget request.

Motion/Vote: SEN. DEVLIN moved to approve \$3,444 each year of the biennium for Gasoline/Travel. Motion CARRIED unanimously.

Budget Modifications

State Special Revenue Account:

Mr. Kembel said since the last session the Bureau wanted to become self-supporting. For some reason the attempt to be self-supporting was split into two bills: HB 17 was for measuring devices and HB 70 was for weighing devices. They currently are in the Taxation Committee. The current level budget did not fund the equipment that is needed. If those two bills pass, the general fund will save over \$500,000 over the biennium.

Motion/Vote: SEN. WEEDING moved to approve the Executive of \$551,139 in FY94 and \$519,294 in FY95 contingent upon passage of HB 17 and HB 70. Motion CARRIED unanimously.

Motion/Vote: REP. WISEMAN moved to approve the language as follows: "Contingent upon passage of House Bills 17 and 70, general fund in (Weights & Measures Bureau) is eliminated and replaced with state special revenue." Motion CARRIED unanimously.

EXECUTIVE ACTION
PUBLIC SAFETY DIVISION

Legal Contingency

Mr. Kembel said the Legal Contingency is appropriation authority only. The pool has been used only for emergencies. If there was a liability due to an injury, the budget could easily be used up.

Motion/Vote: SEN. JERGESON moved to approve the Executive of \$34,841 each year of the biennium for Legal Contingency. Motion CARRIED unanimously.

Maintenance Contracts:

Mr. Kembel said this budget is needed for Maintenance Contracts on computers. There were no expenditures in FY92.

HOUSE NATURAL RESOURCES SUBCOMMITTEE

February 17, 1993

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Motion/Vote: SEN. JERGESON moved to approve the Executive of \$300 each year of the biennium for Maintenance Contracts. Motion CARRIED unanimously.

Minor Differences:


Motion/Vote: CHAIRMAN DEBRUYCKER moved to approve the Executive of \$31 each year of the biennium for Minor Differences. Motion CARRIED unanimously.

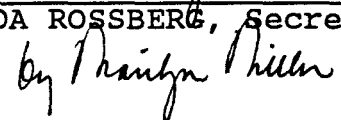
ADJOURNMENT

Adjournment: 10:30 A.M.



ROGER DEBRUYCKER, Chairman



THEDA ROSSBERG, Secretary


RD/tr

HOUSE OF REPRESENTATIVES

NATURAL RESOURCES SUB-COMMITTEE

ROLL CALL

DATE

2-17-93

NAME	PRESENT	ABSENT	EXCUSED
REP. ROGER DEBRUYCKER, CHAIRMAN	X		
SEN. CECIL WEEDING, VICE CHAIRMAN	X		
SEN. GERRY DEVLIN	X		
REP. WILLIAM WISEMAN	X		
REP. JOHN JOHNSON	X		
SEN. GREG JERGESON	X		

6501 65 00000

DEPARTMENT OF COMMERCE

Building Codes Bureau

HB

Program Summary

Budget Item	Current Level Fiscal 1992	Current Level Fiscal 1993	Executive Fiscal 1994	LFA Fiscal 1994	Difference Fiscal 1994	Executive Fiscal 1995	LFA Fiscal 1995	Difference Fiscal 1995
FTE	30.00	30.00	30.00	30.00	0.00	30.00	30.00	0.00
Personal Services	889,087	953,119	973,580	972,736	844	976,785	975,938	847
Operating Expenses	430,431	394,886	435,461	407,940	27,521	438,140	410,478	27,662
Equipment	<u>172,506</u>	<u>930</u>	<u>39,059</u>	<u>4,400</u>	<u>34,659</u>	<u>112,160</u>	<u>191,425</u>	<u>(79,265)</u>
Total Costs	\$1,492,024	\$1,348,935	\$1,448,100	\$1,385,076	\$63,024	\$1,527,085	\$1,577,841	(\$50,756)
Fund Sources								
General Fund	32,700	33,059	37,802	37,550	252	36,354	36,104	250
State Revenue Fund	<u>1,459,324</u>	<u>1,315,876</u>	<u>1,410,298</u>	<u>1,347,526</u>	<u>62,772</u>	<u>1,490,731</u>	<u>1,541,737</u>	<u>(51,006)</u>
Total Funds	\$1,492,024	\$1,348,935	\$1,448,100	\$1,385,076	\$63,024	\$1,527,085	\$1,577,841	(\$50,756)

Page References

LFA Budget Analysis (Vol II), p C 143
 Stephens Executive Budget, p C 57

Current Level Differences

Contracted Services - The Executive Budget includes \$36,228 more for contracted services than LFA current level. Included in the Executive Budget and not the LFA current level are funds for consultants, legal costs, and secretarial service.

Johnson passed

Indirect Charges - The Executive Budget includes \$16,884 more for indirect charges than the LFA current level.

Equipment - The Executive Budget includes \$44,606 less for equipment than LFA current level which reflects the agency request as per its three-year replacement schedule.

Minor Differences

TOTAL CURRENT LEVEL DIFFERENCES

Budget Modifications

Additional Building Inspectors - The Executive Budget includes this modification to increase the number of building inspectors in the Building Codes Bureau by 5.0 FTE and related operating and equipment costs. The modification would be funded with inspection fees.

Johnson passed

Language and Other Issues

Vacant Positions - The joint House appropriations and Senate Finance and Claims committees eliminated 1.0 FTE vacant as of the 12-29-92 snapshot.

Target Reduction - The agency proposes to reduce general fund support of this program by absorbing the Public Contractors licensing function in the Building Codes budget.

an replace H.T. with SE spec ref for 1.0 FTE.

Exec. Over(Under) LFA
 Fiscal 1994 Fiscal 1995

18,114 18,114

8,370 8,514

34,659 (79,265)

1,881 1,881

63,024 (50,756)

188,188 244,622

(20,376) (20,400)

(37,802) (36,354)

Building Codes Division

Positions Removed by Joint Committee Action
House Appropriations & Senate Finance and Claims
January 6, 1993

Position #		Position Description	Total Personal Services		FTE Removed By		Total FTE Removed	Non-Approp FTE
			Fiscal 1994	Fiscal 1995	5% Reduction	Being Vacant		
All or Partial General Fund Positions								
None							0.00	
Sub-Total			0	0	0.00	0.00	0.00	0.00
Non - General Fund Positions								
65093	License/Certification/Permit Clerk <i>J. J. J. J.</i>		20,376	20,400		1.00	1.00	
Sub-Total			20,376	20,400	0.00	1.00	1.00	0.00
TOTAL			20,376	20,400	0.00	1.00	1.00	0.00

EXHIBIT 1
DATE 2-17-93

6501 37 00000

DEPARTMENT OF COMMERCE
Program Summary

Milk Control Bureau

Budget Item	Current Level Fiscal 1992	Current Level Fiscal 1993	Executive Fiscal 1994	LFA Fiscal 1994	Difference Fiscal 1994	Executive Fiscal 1995	LFA Fiscal 1995	Difference Fiscal 1995
FTE	7.00	7.00	6.00	7.00	(1.00)	6.00	7.00	(1.00)
Personal Services	172,880	206,319	185,767	213,946	(28,179)	186,370	214,579	(28,209)
Operating Expenses	76,820	98,520	85,068	77,602	7,466	85,412	77,932	7,480
Equipment	10,367	300	0	0	0	0	0	0
Total Costs	\$260,068	\$305,139	\$270,835	\$291,548	(\$20,713)	\$271,782	\$292,511	(\$20,729)
<u>Fund Sources</u>								
State Revenue Fund	260,068	305,139	270,835	291,548	(20,713)	271,782	292,511	(20,729)
Total Funds	\$260,068	\$305,139	\$270,835	\$291,548	(\$20,713)	\$271,782	\$292,511	(\$20,729)

Page References

LFA Budget Analysis (Vol II), p C 128
Stephens Executive Budget, p C 48

Current Level Differences

5 Percent Personal Services Reduction - The Executive Budget reflects elimination of 1.0 FTE in compliance with Section 13 of House Bill 2.

Legal Contingency - The Executive Budget includes \$11,720 more for legal fees than LFA current level which continues fiscal 1992 expenditures. In its justification, the agency states need for increased funds in case of a district court case. There is a contingency appropriation in Public Safety Division for unanticipated legal costs associated with this program.

Indirect Charges - The Executive Budget includes \$3,342 more than LFA current level for indirect charges.

Minor Differences

TOTAL CURRENT LEVEL DIFFERENCES

Budget Modifications

None

Language and Other Issues

None

Exec. Over(Under) LFA
Fiscal 1994 Fiscal 1995

(28,183) (28,183)

5,860 5,860

1,663 1,679

(53) (85)

(20,713) (20,729)

Milk Control Bureau

Positions Removed by Joint Committee Action
House Appropriations & Senate Finance and Claims
January 6, 1993

Position #		Position Description	Total Personal Services		FTE Removed By		Total FTE Removed	Non-Approp. FTE
			Fiscal 1994	Fiscal 1995	5% Reduction	Being Vacant		
All or Partial General Fund Positions								
None			0	0	0.00		0.00	
Sub-Total			0	0	0.00	0.00	0.00	0.00
Non-General Fund Positions								
3705	Auditor III		(28,183)	(28,183)	1.00		1.00	
Sub-Total			(28,183)	(28,183)	1.00	0.00	1.00	0.00
TOTAL			(28,183)	(28,183)	1.00	0.00	1.00	0.00

EXHIBIT 2
DATE 2-17-93

6501 39 00000 DEPARTMENT OF COMMERCE Program Summary			Pol Bureau			HB		
Budget Item	Current Level Fiscal 1992	Current Level Fiscal 1993	Executive Fiscal 1994	LFA Fiscal 1994	Difference Fiscal 1994	Executive Fiscal 1995	LFA Fiscal 1995	Difference Fiscal 1995
FTE	35.83	35.83	36.03	36.03	0.00	36.03	36.03	0.00
Personal Services	1,061,328	1,158,585	1,201,779	1,191,632	10,147	1,207,099	1,193,789	13,310
Operating Expenses	2,082,101	2,116,420	2,584,080	2,363,035	221,045	2,574,373	2,335,074	239,299
Equipment	<u>35,878</u>	<u>6,335</u>	<u>39,627</u>	<u>42,306</u>	<u>(2,679)</u>	<u>23,649</u>	<u>32,208</u>	<u>(8,559)</u>
Total Costs	\$3,179,308	\$3,281,340	\$3,825,486	\$3,596,973	\$228,513	\$3,805,121	\$3,561,071	\$244,050
Fund Sources								
State Revenue Fund	2,214,192	2,279,315	2,731,316	2,477,336	253,980	2,721,744	2,445,203	276,541
Proprietary Fund	<u>965,115</u>	<u>1,002,025</u>	<u>1,094,170</u>	<u>1,119,637</u>	<u>(25,467)</u>	<u>1,083,377</u>	<u>1,115,868</u>	<u>(32,491)</u>
Total Funds	\$3,179,308	\$3,281,340	\$3,825,486	\$3,596,973	\$228,513	\$3,805,121	\$3,561,071	\$244,050

Page References

LFA Budget Analysis (Vol II), pp C 120-122 and C 129-130
Stephens Executive Budget, p C 48-49

Current Level Differences

Board of Medical Examiners—the Executive Budget includes \$95,034 more for contracted services than LFA current level. Most of the additional funds (\$35,000 per year) are related to expansion of the Montana Professional Assistance Program (MAPA), which the Board operates jointly with the Board of Dentistry. LFA current level continues fiscal 1992 expenditures. Other increases in the Executive Budget are additions to fiscal 1992 expenditures, which the LFA continues. *Johnson Pussell*

Board of Dentistry—the Executive Budget includes \$45,772 more than LFA current level for expansion of the MAPA program which the Board operates in conjunction with the Board of Medical Examiners. LFA current level continues fiscal 1992 expenditures. *Johnson Pussell*

Board of Nursing

Contracted Services—The Executive Budget adds \$133,500 per year to contracted services for the Board of Nursing to implement an impaired nurses program. LFA does not include these funds as this is a new program. *Johnson Pussell*

Legal Services—The Executive Budget includes \$51,500 more for legal services than LFA current level which continues fiscal 1992 expenditures. *Johnson Pussell*

Contracts with Non-Profits—The Executive Budget includes \$5,000 more than LFA current level for this purpose. LFA continues fiscal 1992 expenditures. *Johnson Pussell*

Board of Cosmetology—The Executive Budget includes \$45,548 more operating expenses for this Board than LFA current level which continues fiscal 1992 expenditures. These increases annualize fiscal 1992 expenses of the new cosmetology inspector. *Johnson Pussell*

Board of Outfitters—The Executive Budget includes \$41,500 more than LFA current level in this program: 1) \$19,500 each year for contract investigator pay raises; and 2) \$2,500 for the biennium for supplies. LFA current level continues fiscal 1992 expenditures. *Johnson Pussell*

Contracted Services/Travel/Printing—The Executive Budget includes more for these categories than LFA current level in numerous boards within the program, mainly due to additions for annualization of 1992 expenditures and increases in the number of anticipated Board meetings. The Executive adds funds for these purposes to the following Boards: Chiropractors, Pharmacists, Public Accountants, Psychologists, Optometrists, Veterinarians, Morticians, and Social Workers. LFA continues fiscal 1992 expenditures. *Johnson Pussell*

Minor Differences

TOTAL CURRENT LEVEL DIFFERENCES

Exec. Over(Under) LFA
Fiscal 1994 Fiscal 1995

47,517 47,517

22,886 22,886

58,500 75,000

15,000 36,500

2,500 2,500

22,774 22,774

21,425 20,075

16,925 15,575

33,306 27,947

4,605 (11,149)

228,513 244,050

Budget Modifications

POL Board Requests—The Executive Budget includes this modification request from ten of the licensing boards. All increases would be funded from license fees. The following are the Boards and their requests: 1) Board of Tramways—~~\$10,000~~ each year for engineering contracts; 2) Board of Outfitters—\$10,000 per year for additional covert operations with the Department of Fish, Wildlife and Parks; 3) Board of Radiologic Technologists—~~\$30,000~~ each year for a contract inspector; 4) Board of Sanitarians—~~\$3,470~~ per year to implement House Bill 943; 5) Board of Private Security Patrolmen and Investigators—~~\$7,000~~ each year for fingerprint processing; 6) Board of Dentistry—~~\$2,199~~ per year to inspect denturist facilities; 7) Board of Veterinary Medicine—~~\$2,680~~ per year for the Embryo Transfer Certification program; 8) Board of Barbers—~~\$5,000~~ per year for barbershop inspections; 9) Board of Athletics—~~\$20,500~~ in fiscal 1994 and ~~\$21,500~~ in fiscal 1995 for increased activity of the Board; and 10) Board of Real Estate ~~Examiners~~—\$12,500 each year to comply with federal law requiring nationwide certification and licensing of real estate appraisers.

POL Pool Workload Increase—The Executive Budget includes this two-part modification request. The first part funds 4.0 FTE and operating expenses in the Administrative Services Unit to address boards' needs.

The second part of the modification is a request for a \$50,000 biennial appropriation for computer equipment and software to begin conversion to a PC Local Area Network.

Language and Other Issues

Vacant Positions—The joint House appropriations and Senate Finance and Claims committees eliminated a 0.7 FTE which was vacant as of the 12-29-92 snapshot.

Language

1. If House Bill 82 (executive director bill) is not approved, state special revenue in [POL Bureau] is increased by \$10,000 to fund an investigations coordinator for the Board of Outfitters.

2. If the POL Board Request budget modification is approved and Senate Bill 165 is not, state special revenue is [POL Bureau] is decreased by \$30,000 per year for radiologic technician inspections. (MOD)

[The computer equipment/software budget modification] is a biennial appropriation. (MOD)

103,349

104,349

153,182

135,172

50,000

(13,401)

(13,416)

EXHIBIT 3

DATE 2-17-93

6501 02 00000 DEPARTMENT OF COMMERCE Program Summary			Weight & Measures Bureau					
Budget Item	Current Level Fiscal 1992	Current Level Fiscal 1993	Executive Fiscal 1994	LFA Fiscal 1994	Difference Fiscal 1994	Executive Fiscal 1995	LFA Fiscal 1995	Difference Fiscal 1995
FTE	11.00	11.00	10.00	10.00	0.00	10.00	10.00	0.00
Personal Services	276,906	305,257	292,692	292,698	(6)	293,676	293,686	(10)
Operating Expenses	133,730	127,465	163,047	148,799	14,248	165,018	158,784	6,234
Equipment	72,459	0	32,400	32,400	0	33,939	33,939	0
Total Costs	\$483,095	\$432,722	\$488,139	\$473,897	\$14,242	\$492,633	\$486,409	\$6,224
<u>Fund Sources</u>								
General Fund	483,095	432,722	488,139	473,897	14,242	492,633	486,409	6,224
Total Funds	\$483,095	\$432,722	\$488,139	\$473,897	\$14,242	\$492,633	\$486,409	\$6,224

Page References

LFA Budget Analysis (Vol II), p C 126
 Stephens Executive Budget. p C 46

Current Level Differences

Printing - The Executive Budget includes \$7,269 more for printing than LFA current level. The program reprints all forms every three years, and the last printing cycle occurred in fiscal 1992. The next print cycle will be fiscal 1995. LFA current level includes the agency request for printing in fiscal 1995, but reduced the printing budget to a three year average in fiscal 1994 as the additional funds are not needed both years of the biennium.

Exec. Over(Under) LFA
Fiscal 1994 Fiscal 1995

7,269

Gasoline/Travel - The Executive Budget \$6,888 more for gasoline and travel than LFA current level which continues fiscal 1992 expenditures. The agency requests the increase due to reduced travel/gasoline expenditures in fiscal 1992.

3,444	3,444
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Indirect Charges - The Executive Budget includes \$5,640 more for indirect charges than the LFA current level.

2,808	2,832
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Minor Differences

721	(52)
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TOTAL CURRENT LEVEL DIFFERENCES

14,242	6,224
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Budget Modifications

State Special Revenue Account - The Executive Budget includes this modification to change funding for this program from general fund to state special revenue through a fee increase. Using current and increased fee revenue to fund the program would result in an approximate general fund savings of \$450,000 over the biennium. The program is currently general fund supported but approximately 53 percent of the program cost is recovered through fees which are deposited in the general fund. Under this modification fees would be appropriated for this program, which would reduce general fund revenue by approximately \$500,000 over the biennium.

551,139	519,294
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(General fund savings resulting from funding switch)

(488,139)	(492,633)
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Language and Other Issues

5 Percent Personal Services Reduction - Both the Executive Budget and LFA current level reflect the elimination of 1.0 FTE. The Executive Budget eliminates the position in compliance with Section 13 of House Bill 2, while the LFA eliminates the position as the duties of that position have been assumed by the administrator of this program.

(38,926)	(38,926)
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Language

Contingent upon passage of House Bills 17 and 70, general fund in [Weights & Measures Bureau] is eliminated and replaced with state special revenue. (The funding switch from fee income is included in separate legislation currently in Taxation. This language would implement the funding switch if the legislation were approved.)

Weights & Measures

Positions Removed by Joint Committee Action House Appropriations & Senate Finance and Claims January 6, 1993

		Total Personal Services		FTE Removed By		Total FTE Removed	Non-Approp. FTE
Position #	Position Description	Fiscal 1994	Fiscal 1995	5% Reduction	Being Vacant		
All or Partial General Fund Positions							
2001	Program Manager	(38,926)	(38,926)	1.00		1.00	
	Sub-Total	(38,926)	(38,926)	1.00	0.00	1.00	0.00
Non-General Fund Positions							
	None				0.00	0.00	
	Sub-Total	0	0	0.00	0.00	0.00	0.00
TOTAL		(38,926)	(38,926)	1.00	0.00	1.00	0.00

EXHIBIT 4
DATE 2-17-93

6501 01 00000 DEPARTMENT OF COMMERCE Program Summary								
Public Safety Division								
Budget Item	Current Level Fiscal 1992	Current Level Fiscal 1993	Executive Fiscal 1994	LFA Fiscal 1994	Difference Fiscal 1994	Executive Fiscal 1995	LFA Fiscal 1995	Difference Fiscal 1995
FTE	1.00	1.00	1.00	1.00	0.00	1.00	1.00	0.00
Personal Services	57,835	56,823	60,308	60,307	1	60,388	60,387	1
Operating Expenses	8,764	82,633	82,322	46,633	35,689	82,316	46,632	35,684
Total Costs	\$66,599	\$139,456	\$142,630	\$106,940	\$35,690	\$142,704	\$107,019	\$35,685
<u>Fund Sources</u>								
State Revenue Fund	0	70,841	70,841	36,000	34,841	70,841	36,000	34,841
Proprietary Fund	66,599	68,615	71,789	70,940	849	71,863	71,019	844
Total Funds	\$66,599	\$139,456	\$142,630	\$106,940	\$35,690	\$142,704	\$107,019	\$35,685

Page References

LFA Budget Analysis (Vol II), p C 125
Stephens Executive Budget, p C 45

Current Level Differences

Legal Contingency - The Executive Budget contains \$69,682 more than LFA current level for appropriation authority for unanticipated legal costs. This contingency appropriation is used by the Building Codes Bureau, Milk Control Bureau, and Professional and Occupational Licensing Bureau to cover unforeseen legal costs. In previous biennia the legislature has appropriated \$72,000 per year for this contingency, which has been used by the boards for both legal costs and other purposes in the past. LFA current level reduces the contingency authority by 50 percent and includes only \$36,000 per year for this purpose.

Maintenance Contracts - The Executive Budget includes \$600 more for maintenance contracts than LFA current level. No funds were expended for this purpose in fiscal 1992, and LFA current level contains no funds for this purpose in the 1995 biennium.

Indirect Charges - The Executive Budget includes \$1,031 more than LFA current level for indirect charges.

Minor Differences

TOTAL CURRENT LEVEL DIFFERENCES

Budget Modifications

None

Language and Other Issues

None

Exec. Over(Under) LFA	
Fiscal 1994	Fiscal 1995
34,841	34,841
300	300
518	513
31	31
35,690	35,685

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

NATURAL RESOURCES SUB COMMITTEE

Conservation

COMMITTEE

BILL NO. _____

DATE 2-17-93

SPONSOR(S) _____

PLEASE PRINT

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Van Noe	Connector	X	
Jim Kumbel	Public Safety Division DOC	X	
Steve Meloy -	Boal		
Chris Paul			

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ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.