

Department of Labor and Industry

Business Standards Division

Business and Occupational Licensing Bureau (BOLB)

Bureau Newsletter

Winter 2006

Keith Kelly, Commissioner

Jim Brown, Administrator

Jill Caldwell, Bureau Chief



LEGAL UNIT - A Unit of Legal Knowledge

Lon Mitchell -
Department Counsel for:
Architects
Public Accountants
Realty Regulation

Jack Atkins -
Department Counsel for:
Landscape Architects
Private Security Patrol Officers
and Investigators
Professional Engineers
and Professional Land Surveyors
Real Estate Appraisers

Board Counsel for:
State Electrical
Boilers/Blasters/Cranes
Fire Protection
Landscape Architects
Outfitters
Plumbers
Professional Engineers
and Professional Land
Surveyors
Real Estate Appraisers

Board Counsel for:
Barbers and Cosmetologists



Back Row: Lon Mitchell, Jack Atkins, Shelley Blakeslee, Gene Allison
Front Row: Darcee Moe, Susan Peters, Lorraine Schneider

Shelley Blakeslee -
Paralegal

Gene Allison -
Lead Attorney
Department Counsel for:
Athletics
Sanitarians

Board Counsel for:
Realty Regulation

Darcee Moe -
Department Counsel for:
Barbers and Cosmetologists

Susan Peters -
Legal Secretary/Administrative
Support

Lorraine Schneider -
Department Counsel for:
State Electrical
Outfitters
Plumbers

Board Counsel for:
Architects
Athletics
Private Security Patrol
Officers and Investigators

Not Pictured: Mark Cadwallader
Board Counsel for: Public Accountants



Viv Hammill is the new Chief Legal Counsel replacing Kevin Braun who accepted a position with the State Fund. Viv had been legal counsel for the State Personnel and Labor Relations Division and the Teachers' Retirement System at the Department of Administration since 1993. She has been one of the attorneys advising Governor Brian Schweitzer since November 6, 2004 and will continue in that role. Viv started as a zoology major in college, but graduated with a BA in Political Science from the University of Vermont with a minor in Economics in 1977. She spent several summers working on dairy farms in Vermont's Northeast Kingdom. She received her Juris Doctorate from Southwestern University Law School in 1981. She is admitted to practice law in California and Montana.

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DLI Core Values

Customer Focus

**Individual
Responsibility**

Individual Growth

Ethics in the Workplace

**Continuous
Improvement**

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What's New in Board News...

Board of Professional Engineers and Professional Land Surveyors

Program manager Brooke Jasmin and Board chairperson Denis Applebury, traveled to Anchorage, AK in May of 2005 to attend the National Council of Examiners for Engineering and Surveying Western Zone Meeting. The delegates discussed and voted on resolutions to present at the annual meeting.

Ms. Jasmin and Board members, Paulette Ferguson and Janet Markle, traveled to Memphis, TN in August of 2005 to attend the National Council of Examiners for Engineering and Surveying annual meeting. Delegates from all 50 states participated in a variety of activities; attending workshops, voting on resolutions, networking with other Council members and touring the Memphis area.

A committee comprised of two members from the Board of Professional Engineers and Professional Land Surveyors and two members from the Board of Architects formed to discuss areas of mutual interests, mainly "Incidental Practice" and to strengthen the relationship between the Boards. The committee worked on an informational brochure intended for public awareness titled "The Professional Use of Seals" for the past year. The brochure was completed in December 2005 and distributed to all licensees from both Boards and city and county offices throughout Montana. The committee is in the process of publishing a handbook for building officials.

Dan McCauley, left the Board after eight years as a board member. Tom Heinicke, a professional engineer from Kalispell, filled Mr. McCauley's position. Board member, Jake Neil, a professional engineer from Great Falls, was reappointed to the Board for a second

term. Board member David Gates, a professional engineer from Butte, resigned from the Board on November 30, 2005. Governor Schweitzer appointed Casey Johnston, a professional engineer from Butte, on February 6, 2006 as the newest member of the board.

Board of Athletics

The Board of Athletics has undergone many changes. Chris Bernet replaced Connie Beckman as the program manager. Connie accepted a licensing specialist position within the Bureau. Connie will continue to process applications for the Board of Athletics and other boards. Fortunately, Connie is readily available to assist Chris.

Chris has been with the Bureau for almost four years, performing a variety of jobs for our many boards. He is looking forward to working with the Board of Athletics and helping with the regulation of the athletics profession in Montana.

As a result of HB 203 in the 2005 legislation, the Board of Athletics increased the board membership from three to five members. Governor Schweitzer appointed John Paul Noyes of Kalispell and Jana Smith-Streitz of Butte, April 25, 2005.

Mr. Noyes graduated from the University of Montana in 1992 where he was a collegiate athlete. He currently runs a Tae Kwan Do program in Kalispell.

Ms. Smith-Streitz graduated from Montana State University in 2004, where she was a collegiate athlete. She currently works for the Montana Breast & Cervical Health Program.

The proposed updates to the rules were noticed for public comment and a hearing took place February 17, 2006. At that time, the public had the opportunity to review the proposed changes and give input regarding these changes.

The Board will review the hearing transcript and all comments on the rules at their April 17, 2006 meeting.

Board of Barbers and Cosmetologists

The Board welcomed Anita (Andy) Verbanac as program manager, and Jeff Garden and Dennis Clark as license compliance specialists to their staff.

Maggie Burton-Blize, a licensed barber from Missoula, has been appointed to replace Ms. Sharon Ritchie as a board member.

Board members Wendell Petersen, Darlene Battaiola, Verna Dupuis, and Maxine Collins attended the 2005 National-Interstate Council of State Boards of Cosmetology annual conference. Board Members Edward Dutton and Karan Charles attended the 2005 National Association of Boards of Barbers annual conference.

Proposed board rule changes are proceeding through the hearing process and these changes are expected to be adopted in the Spring of 2006.

Board of Public Accountants

As a result of legislation effective July 1, 2005, board member composition has increased from five to seven with two public members and five accountants.

A "Special Practice Permit" is now available to non-resident CPA's from jurisdictions with credentialing requirements deemed to be substantially equivalent to Montana's requirements. This permit is a streamlined licensing process facilitating cross-border practice while promoting consumer protection.

The Board recently eliminated specific continuing professional education requirements to allow practitioners to participate in learning activities that maintain and/or improve their professional competence.

What's New in Board News (continued) ...

Board of Plumbers

Marlene Jackson has been re-appointed as a public member for a second term. The Rules Committee completed its review of all of the administrative Rules. This fiscal year, 1359 Plumbers renewed their licenses. Continuing Education requirements were adopted with four hours of code education to be required each year.

Board of Outfitters

Investigator Gail Keith of the Board of Outfitters, received his 35 years of service award and pin with the State of Montana. Investigator Dan Dellinger received his five-year service award.

The Board's administrative staff is in the process of electronically imaging files. This will save storage space and enhance the availability of file information.

After nearly four years of tenacious work, the Board of Outfitters recently filed, with the Secretary of State's office, an adoption notice for the amendment, transfer, and adoption of rules pertaining to outfitter licensing and operations. The Board's rules committee has been soliciting ideas from the industry about further rule changes. The main topics concern the transition of a deceased outfitter license to a family member and outfitter license experience qualifications. To date it appears that the industry does not want to reduce the licensure requirements. Instead, several individuals suggested that the qualifications be further defined by proposals requiring an on-stream test and more licensed (in-the-field) experience and training for fishing guides.

Board of Architects

Program manager Brooke Jasmin, traveled to Arlington, VA in November 2005 to attend the National Council of Architectural Registration Boards annual Member Board Executives workshop. The workshop allowed the delegates to

discuss topics of interest and share ideas about issues common to small and large states.

A committee comprised of two members from the Board of Architects and two members from the Board of Professional Engineers and Professional Land Surveyors formed to discuss areas of mutual interests, mainly "Incidental Practice" and to also strengthen the relationship between the Boards. The committee had been working on an informational brochure intended for public awareness titled "The Professional Use of Seals" for the past year. The brochure was completed in December 2005 and will be distributed to all licensees from both Boards and to city and county offices throughout Montana. The committee also is in the process of publishing a handbook for Building Officials.

Board member Bayliss Ward, a licensed architect from Bozeman, replaced Board Member Gene Vogl after nine years of service as a board member.

Landscape Architects

The Landscape Architect Board met with the Board of Architects to seek a possible merger of the two boards. Both boards held meetings in January, and agreed to pursue legislation to merge the Boards.

State Electrical Board

The State Electrical Board has gained two new board members. Jack Fisher, IBEW 233 is from Butte. Mr. Fisher's term began on April 8, 2005. Fred Talarico is from Missoula and is president of Talco Electric. Mr. Talarico's term began on July 1, 2005. Both members are licensed electricians.

This year will be a period of many changes. Electricians will be able to renew their licenses online for the first time. Along with online renewals,

electricians will no longer need to submit copies of their continuing education certificates. An audit of licensee's continuing education certificates will be conducted at a later date. Board staff is working with Montana Interactive to allow continuing education providers to enter participants' continuing education hours into a database. This will enable electricians to lookup their individual hours during a license cycle.

The electrician's exam is now available in different locations. And candidates can receive their scores upon completion of the exam.

Board of Private Security Patrol Officers and Investigators

Program manager Sandy Matule, traveled to Sacramento, CA, to attend the annual International Association of Security Regulators conference in October of 2005.

On January 6, 2006, Holly Dershem-Bruce from Glendive assumed Kathy Miller's position on the Board as the public member. Ms. Dershem-Bruce comes to the Board with a masters degree in Criminal Justice from Washington State University, and she is currently the Law Enforcement Program Director at Dawson Community College.

After a very extensive two year review of the rules pertaining to the Board and licensees, amendments to the Board's administrative rules became effective October 7, 2005. The Board has worked on other rule changes and met on February 16, 2006 consider adoption of these rules. The Board, with assistance from licensees, also plans to amend statutes specific to the Board during the 2007 Legislative Session.

Licensees will be able to renew online by the 2007 renewal year. Certificates of liability insurance and armed endorsement certificates will still need to be mailed to the Board office.

What's New in Board News (continued) ...

Board of Realty Regulation

In the past, if you had the opportunity to look in on a Board of Realty Regulation board meeting, you would have found stacks of paper a foot tall in front of each board and staff member. They would have been rummaging through piles of paper looking for that one document someone thought they saw, or trying to determine the latest version. These behaviors came to be expected - until last December. The Board entered the world of electronic board books.



"How do electronic board books work?", you ask. The agenda for the meeting is prepared and approved. All documents pertaining to the meeting agenda are categorized and organized, just like in the good old paper copy days. The big difference happens when, instead of putting the mountain of paper on the copy machine to be copied, it is put on the scanner and scanned electronically. The documents are saved into electronic chapters with each item being its own chapter for ease of location. The documents are saved using Adobe Acrobat Professional and burned onto a disk. The disk is sent to the board members instead of the three ring binder they were accustomed to receiving before each board meeting.

The Board members load the electronic documents onto their state-issued lap top computers and begin reviewing the upcoming meeting documents. They can review the documents using the chapter index or individual page index, which shows thumbnail sketches of each page of the document. They can easily go directly to an agenda item, such as a particular non-routine application. Then navigate through the application by scrolling through, page by page, or using

the page thumbnail sketches to find a specific item. Saving the documents in Adobe Acrobat Professional allows board members to highlight, underline, mark-up and make comments on their electronic version of the board meeting documents for use during the meeting. They bring their lap tops to the meeting and conduct the business of the board in a clutter-free meeting.

After the first attempt, the board members had a few constructive comments for the next meeting, but they were very pleased with the maiden voyage. Since then, several other boards have expressed an interest.

Board of Sanitarians

On February 3, 2006, a public hearing was held to consider the proposed amendment of ARM 24.216.402, pertaining to the fee schedule. The rule proposes to amend the application, renewal, late renewal, and sanitarian-in-training application fees from \$50 to \$90.

Pursuant to 37-1-134, MCA, the Board is required to set its fees to be commensurate with program costs. One reason these fees need to be increased is so that enough revenue is generated to maintain the current level of services being offered. The fee increase is also needed to accommodate the increased membership of the Board from three to five members as a result of the passage of HB 203 during the 2005 legislative session. This legislation added another sanitarian, as well as another public member, to the Board ensuring adequate participation in both screening and adjudication panel meetings.

Are you interested in serving on a board or commission or would like to recommend someone? We invite you to submit your name or another name for consideration. You may obtain the necessary information from the website located at:

<https://app.mt.gov/cgi-bin/appoint/appointment.cgi>

What's New in Program News:

Boiler Operator/Engineer Program

There are 3,339 active licensees. Licensees do not renew on a set date, but on their license anniversary date.

Construction Blaster Program

235 Blasters renewed by January 1, 2006.

Crane/Hoist Operator Program

Rules were adopted to incorporate the National Commission of Certified Crane Operators national license by reciprocity. There are 1,537 active licensees that renew on their license anniversary dates.

Fire Prevention Program

The Fire Prevention Program recently moved its fee schedule from statute to administrative rule. HB 187 removed most fees from statute and placed them in rule. The Department will pursue rule changes allowing endorsees and company entities to renew their licenses online. This will include a process for random audits of continuing education rather than requiring a copy of the continuing education certificates at the time of renewal. The Department believes that this will make the renewal process faster and easier for everyone.

Elevator Program

During the legislative session in 2005, SB 412 created the elevator worker licensing laws. A hearing on the proposed administrative rules to implement the statutes was held in December of 2005. The rules were effective on February 23, 2006. The Department licenses elevator mechanics, limited mechanics, elevator inspectors, elevator contractors, and limited elevator contractors.

IT Unit Keeps the Bureau “Ticking”



Guy Stavnes
IT Manager



Mike Field
Webmaster



Paul Mickelson
Networking &
Security Officer



John Kershnik
Oracle and Access
Databases

STATES WITH FRONTIER COUNTIES

Rural versus Frontier

By Helena Lee

Health Care Licensing Bureau

Excerpts taken from www.wiche.edu/MentalHealth/Frontier/Letter22.html

The Census Bureau developed a method, based on census reports, to classify and rank states with frontier populations. The designation of ‘frontier’ is based on two criteria. Total population of a states frontier counties (those counties with less than 7 persons per square miles), and the percentage of frontier-county residents within a state. Montana is one of 26 states with frontier counties.

47 of Montana's 56 counties are considered frontier counties. In 1990 the population of our frontier counties was 281,822. The percentage of Montana's population in frontier counties in 1990 was 35.27 percent.

To classify rural, a combination of population density, raw population size and residence outside a town of 2,500 or more describes rural. This method of classification assumes that if a county has a very small population, a high degree of dispersion among its residents, and a high percentage of ‘rural’ non-town residents, the county is extremely rural in nature.

Frontier areas are often a forgotten type of rural area. They are distinct because of their location in the West and their isolation. Their isolation and distance from services define them.

The Professional and Occupational Licensing Bureau licenses thousands of individuals who provide a wide variety of services to rural and frontier areas of Montana.

Christmas Angels

The holiday season was made a little brighter for several families adopted by Business Standards Division. Staff orchestrated several fundraisers such as a chili feed, two silent auctions, one live auction, bake sale, wreath sale, 50/50 raffle throughout the year. Additionally, staff could choose to pay a dollar when wearing jeans on casual Friday's. A portion of this money was used. With the help of other state agencies in the Park Avenue Building, approximately \$4,000 was raised to provide gifts, food, and cash to the five families of 16 adults and children. Staff used their breaks and lunch times to help on these projects.



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