

Governor Brian Schweitzer  
State Capitol  
Helena, MT 59620-0801

August 22, 2005

Dear Governor Schweitzer,

I am writing to you concerning the current financial crisis being experienced by the Montana Board of Landscape Architects. Due to legislation passed during the last session the Department of Labor and Industry has been reevaluating the method of computing charges to the various boards. As a result, the Board of Landscape Architects asked for a fee increase from \$150 per year to \$500 per year. During the rule hearing process all comment was vehemently against such an astronomical increase. After a period of much discussion and consideration the Montana Board of Landscape Architects raised licensure fees from \$150 to \$250 per year. The board felt a larger fee would decrease the number of licensees dramatically resulting in even less income. As of July 11, 2005 the Department of Labor and Industry has suspended all board activity. Obviously this action has thrown the profession of landscape architecture in Montana into a state of crisis.

While I appreciate the need for boards to be self supporting I am quite concerned about a 167% fee increase. This is the highest fee in the nation. I am frustrated with the way this process has been undertaken. I am attaching a chronology of board activities that shows on March 23, 2004 staff presented the board with a financial statement indicating a sound financial status. Six months later, October 28, 2004 the board is suddenly \$30,218 in the red. If this were private business someone would have lost their job! It seems to me the department has a responsibility to provide the boards with accurate financial numbers. This was obviously not the case. The department and staff are operating under a directive that is irresponsible. I also believe that suspension of services violates state law.

The board has responded in an active and timely manner to the situation. We immediately attempted to cut all possible expenses for the short term. We are currently in contact with both the Board of Architects and the Board of Professional Engineers and Land Surveyors investigating a possible merger. We are also exploring the possibility of a private entity administering the board. All of these options will require legislation, which means it will be at least 2008 before a long-term solution is in place. In the meantime the board is faced with suspension.

One of my colleagues recently had a conversation with Rep. Don Roberts, who sponsored the fees commensurate with costs bill in 2003. Dr. Roberts indicated that this type of impact was not the intent of this legislation. I have served on the licensure board for several years now and historically the board has been very fiscally responsible. Several years ago a similar readjustment of fees occurred and the board raised fees to cover costs. A few years later another restructuring occurred and the board was actually able to lower our renewal fees because the recharges had been reduced. In both instances the board

was able to act in a timely, proactive fashion, and at no time was the profession put under financial stress.

With the type of increase in departmental charges currently being reported, the board needs the time to thoroughly explore possible solutions, arrive at one that is responsible to the fiscal needs of the state, the hiring public, and also to the practicing professionals. To try and correct these issues retroactively and under such time-pressured conditions is unfair both to the profession and to the citizens of Montana.

The state must develop a process that allows for good, long-term solutions without creating chaos in the licensing of this profession.

I look forward to your response.

Shelly Engler  
2436 Snapdragon  
Bozeman, MT 59718  
406-587-3406 (work)