

CHAPTER NO. 408.

SENATE BILL NO. 422

INTRODUCED BY HAGER, HEALY

BY REQUEST OF THE BOARD OF PROFESSIONAL ENGINEERS
AND LAND SURVEYORS

IN THE SENATE

February 9, 1979	Introduced and referred to Committee on State Administration.
February 13, 1979	Fiscal note requested.
February 16, 1979	Fiscal note returned.
February 17, 1979	Committee recommend bill do pass. Report adopted.
February 19, 1979	Printed and placed on members' desks.
February 20, 1979	Second reading, do pass.
February 21, 1979	On motion, taken from Committee on Bills and Journal. On motion placed on second reading. Rules suspended so that Statement of Intent allowed to be attached prior to second reading. Second reading, do pass.
February 22, 1979	Considered correctly engrossed.
February 23, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 27, 1979	Introduced and referred to Committee on State Administration.
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March 13, 1979 Committee recommend bill
be concurred in as amended.
Report adopted.

March 14, 1979 Second reading, concurred
in as amended.

March 17, 1979 Third reading, concurred
in as amended.

IN THE SENATE

March 19, 1979 Returned from second house.
Concurred in as amended.

March 20, 1979 Second reading, amendments
rejected.

March 21, 1979 On motion, Senate reconsider
its action taken on previous
Legislative Day. Motion
adopted.

March 22, 1979 Second reading, amendments
adopted.

March 23, 1979 Third reading, amendments
adopted. Sent to enrolling.

Reported correctly enrolled.

1 *Amend* BILL NO. *422*
 2 INTRODUCED BY *Hager Neely*
 3 BY REQUEST OF THE BOARD OF PROFESSIONAL ENGINEERS
 4 AND LAND SURVEYORS

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
 7 REESTABLISHMENT OF THE BOARD OF PROFESSIONAL ENGINEERS AND
 8 LAND SURVEYORS FOR A PERIOD OF 6 YEARS; TO REVISE THE BOARD
 9 MEMBERSHIP BY ADDING TWO PUBLIC MEMBERS; TO REDUCE BOARD
 10 MEMBERS' TERMS OF OFFICE FROM 5 TO 4 YEARS; TO LIMIT A BOARD
 11 MEMBER TO THREE TERMS; TO REVISE THE BOARD QUORUM
 12 REQUIREMENT; TO INCREASE FEES; TO PROVIDE FOR A 2-YEAR
 13 LICENSE RENEWAL; TO PROVIDE FOR PUBLISHING A ROSTER; TO
 14 PROVIDE THAT CHARGES MADE MUST BE ACTED UPON WITHIN 6
 15 MONTHS; DEFINING 'PUBLIC' FOR PURPOSES OF SUPERVISION OF
 16 PUBLIC WORKS; AND PROVIDING FOR VERIFICATION OF COMPETENCY;
 17 AMENDING SECTIONS 2-8-103, 2-15-1653, 18-2-122, 37-67-201,
 18 37-67-303, 37-67-315, 37-67-318, AND 37-67-331, MCA; AND
 19 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

20
 21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 22 NEW SECTION. Section 1. Board reestablished. The
 23 board of professional engineers and land surveyors, created
 24 by 2-15-1653, is reestablished for a period of 6 years
 25 pursuant to 2-8-122.

1 Section 2. Section 2-8-103, MCA, is amended to read:
 2 "2-8-103. Agencies to terminate. (1) The following
 3 agencies shall terminate on July 1, 1979:
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 5 and occupational licensing, created by 2-15-1643;
 6 (b) board of public accountants, department of
 7 professional and occupational licensing, created by
 8 2-15-1641;
 9 (c) board of architects, department of professional
 10 and occupational licensing, created by 2-15-1651;
 11 (d) state banking board, department of business
 12 regulation, created by 2-15-1803;
 13 (e) state electrical board, department of professional
 14 and occupational licensing, created by 2-15-1654;
 15 ~~(f) board of professional engineers and land~~
 16 ~~surveyors, department of professional and occupational~~
 17 ~~licensing, created by 2-15-1653~~
 18 ~~(g)(f)~~ office of commissioner of insurance and the
 19 insurance department, state auditor's office, created by
 20 2-15-1902 and 2-15-1903;
 21 ~~(h)(g)~~ office of the investment commissioner, state
 22 auditor's office, created by 2-15-1901;
 23 ~~(i)(h)~~ board of landscape architects, department of
 24 professional and occupational licensing, created by
 25 2-15-1652;

1 (j) board of county printing, department of
2 community affairs, created by 2-15-1102;

3 (k) board of plumbers, department of professional
4 and occupational licensing, created by 2-15-1655;

5 (l) board of real estate, department of
6 professional and occupational licensing, created by
7 2-15-1642;

8 (m) state board of warm air heating, ventilation,
9 and air conditioning, department of professional and
10 occupational licensing, created by 2-15-1656;

11 (n) board of institutions, department of
12 institutions, created by 2-15-2303.

13 (2) The following agencies shall terminate on July 1,
14 1981:

15 (a) commission for human rights, department of labor
16 and industry, created by 2-15-1706;

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18 occupational licensing, created by 2-15-1661;

19 (c) board of barbers, department of professional and
20 occupational licensing, created by 2-15-1625;

21 (d) board of chiropractors, department of professional
22 and occupational licensing, created by 2-15-1613;

23 (e) board of cosmetologists, department of
24 professional and occupational licensing, created by
25 2-15-1626;

1 (f) board of dentists, department of professional and
2 occupational licensing, created by 2-15-1606;

3 (g) board of hearing aid dispensers, department of
4 professional and occupational licensing, created by
5 2-15-1616;

6 (h) board of massage therapists, department of
7 professional and occupational licensing, created by
8 2-15-1627;

9 (i) Montana state board of medical examiners,
10 department of professional and occupational licensing,
11 created by 2-15-1605;

12 (j) board of morticians, department of professional
13 and occupational licensing, created by 2-15-1619;

14 (k) board of nursing, department of professional and
15 occupational licensing, created by 2-15-1610;

16 (l) board of nursing home administrators, department
17 of professional and occupational licensing, created by
18 2-15-1611;

19 (m) board of optometrists, department of professional
20 and occupational licensing, created by 2-15-1612;

21 (n) board of osteopathic physicians, department of
22 professional and occupational licensing, created by
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24 (o) board of pharmacists, department of professional
25 and occupational licensing, created by 2-15-1609;

1 (p) board of podiatry examiners, department of
2 professional and occupational licensing, created by
3 2-15-1608;

4 (q) board of psychologists, department of professional
5 and occupational licensing, created by 2-15-1617;

6 (r) board of radiologic technologists, department of
7 professional and occupational licensing, created by
8 2-15-1614;

9 (s) board of speech pathologists and audiologists,
10 department of professional and occupational licensing,
11 created by 2-15-1615;

12 (t) board of veterinarians, department of professional
13 and occupational licensing, created by 2-15-1618;

14 (u) board of veterans' affairs, department of social
15 and rehabilitation services, created by 2-15-2202.

16 (3) The following units of state government shall
17 terminate on July 1, 1983:

18 (a) board of aeronautics, department of community
19 affairs, created by 2-15-1103;

20 (b) state board of hail insurance, department of
21 agriculture, created by 2-15-3003;

22 (c) board of horse racing, department of professional
23 and occupational licensing, created by 2-15-1662;

24 (d) board of livestock, department of livestock,
25 created by 2-15-3102;

1 (e) board of milk control, department of business
2 regulation, created by 2-15-1802;

3 (f) board of oil and gas conservation, department of
4 natural resources and conservation, created by 2-15-3303;

5 (g) Montana outfitters council, department of fish and
6 game, created by 2-15-3403;

7 (h) public service commission, department of public
8 service regulation, created by 69-1-102;

9 (i) board of sanitarians, department of professional
10 and occupational licensing, created by 2-15-1631;

11 (j) board of water and wastewater operators,
12 department of health and environmental sciences, created by
13 2-15-2105;

14 (k) board of water well contractors, department of
15 professional and occupational licensing, created by
16 2-15-1632.

17 ~~(4) The following agency terminates on July 1, 1985:~~
18 ~~The board of professional engineers and land surveyors,~~
19 ~~created by 2-15-1653."~~

20 Section 3. Section 2-15-1653, MCA, is amended to read:

21 "2-15-1653. Board of professional engineers and land
22 surveyors. (1) There is a board of professional engineers
23 and land surveyors.

24 (2) The board consists of ~~seven~~ nine members appointed
25 by the governor. The members are:

1 (a) five professional engineers who have been engaged
2 in the practice of engineering for at least 12 years and who
3 have been in responsible charge of engineering teaching or
4 important engineering work for at least 5 years and
5 registered in Montana for at least 5 years. No more than
6 two of these members may be from the same branch of
7 engineering.

8 (b) two registered and practicing land surveyors who
9 have been engaged in the practice of land surveying for at
10 least 12 years and who have been in responsible charge of
11 land surveying or important land surveying work for at least
12 5 years and registered in Montana for at least 5 years.

13 ~~(c) two representatives of the public who are not~~
14 ~~engaged in or directly connected with the practice of~~
15 ~~engineering or land surveying.~~

16 (3) Each member shall be a citizen of the United
17 States and a resident of this state. A member, after
18 serving two ~~three~~ consecutive terms, shall not be
19 reappointed ~~for a period of 2 years.~~

20 (4) Each member shall serve for a term of 5 1/2 years.
21 The governor may remove a member for misconduct,
22 incompetency, neglect of duty, or for any other sufficient
23 cause.

24 (5) The board is allocated to the department for
25 administrative purposes only as prescribed in 2-15-121."

1 Section 4. Section 18-2-122, MCA, is amended to read:

2 "18-2-122. Plans to bear seal. (1) This state and its
3 political subdivisions such as counties, cities, towns,
4 townships, boroughs, or other political entities or legally
5 constituted boards, commissions, or authorities or officials
6 or employees thereof shall not accept plans and
7 specifications for public buildings, water systems and
8 storage facilities, sewerage systems, wastewater disposal
9 projects, swimming pools, recreational facilities, and
10 similar type projects which may have a direct bearing on the
11 public health and safety for approval unless they bear the
12 seal of the professional engineer for engineering projects
13 or the land surveyor for land surveying projects or licensed
14 architect for architectural projects, as provided for the
15 practice of the respective professions by Title 37.

16 ~~(2) For purposes of this section "public" means open~~
17 ~~to access by the general public."~~

18 Section 5. Section 37-67-201, MCA, is amended to read:

19 "37-67-201. Organization -- meetings -- quorum --
20 seal. (1) The board shall hold at least two regular meetings
21 each year. Special meetings shall be held at such time as
22 the rules of the board may provide. Notice of all meetings
23 shall be given in such manner as the rules may provide.

24 (2) The board shall elect annually the following
25 officers: a chairman, a vice-chairman, and a secretary.

1 (3) A quorum of the board shall consist of not less
2 than ~~four~~ five members.

3 (4) The board shall adopt and have an official seal."

4 Section 6. Section 37-67-303, MCA, is amended to read:

5 "37-67-303. Application -- contents -- fees. (1)

6 Applications for registration shall be on forms prescribed
7 by the board and furnished by the department, shall contain
8 statements made under oath showing the applicant's education
9 and a detailed summary of his technical work, and shall
10 contain not less than five references, of whom three or more
11 shall be engineers or land surveyors having personal
12 knowledge of his engineering or land surveying experience.

13 (2) The fee for engineer-in-training is ~~\$20~~ as
14 prescribed by the board but may not exceed \$30, which shall
15 accompany the application and shall include the cost of one
16 examination. No additional fee is required for issuance of a
17 certificate.

18 (3) The application fee for registration as a
19 professional engineer is ~~\$20~~ as prescribed by the board but
20 may not exceed \$40 for those holding an engineer-in-training
21 certificate validated for Montana. For those holding a valid
22 engineer-in-training certificate from some other state, the
23 application fee is ~~\$30~~ as prescribed by the board but may
24 not exceed \$20, which includes cost of transfer of
25 engineer-in-training certification and one examination.

1 Upon approval of application for registration as a
2 professional engineer, an additional fee equal to the
3 existing ~~yearly~~ renewal fee must be paid before issuance of
4 a certificate as a professional engineer.

5 (4) The department, subject to approval by the board,
6 may, on application and payment of a fee ~~of \$40~~ as
7 prescribed by the board but not to exceed \$60, issue a
8 certificate of registration as a professional engineer to a
9 person who holds a certificate of qualification or
10 registration issued to him by the committee on national
11 engineering certification of the national council of
12 engineering examiners or by a state, territory, or
13 possession of the United States or by another country if the
14 applicant's qualifications meet the requirements of this
15 chapter and the rules of the board.

16 (5) The fee for land surveyor-in-training is ~~\$20~~ as
17 prescribed by the board but may not exceed \$30, which shall
18 accompany the application and shall include the cost of one
19 examination. No additional fee is required for issuance of
20 a certificate.

21 (6) The application fee for registration as a land
22 surveyor is ~~\$20~~ as prescribed by the board but may not
23 exceed \$40 for those holding a land surveyor-in-training
24 certificate validated in Montana. For those holding a valid
25 land surveyor-in-training certificate from some other state,

1 the application fee is ~~\$30 as prescribed by the board but~~
 2 ~~may not exceed \$50~~, which includes cost of transfer of the
 3 certification. No additional fee is required for issuance of
 4 a certificate. Upon approval of application for registration
 5 as a land surveyor, an additional fee equal to the existing
 6 yearly renewal fee must be paid before issuance of a
 7 certificate as a land surveyor.

8 (7) The application fee for registration as both a
 9 professional engineer and land surveyor is ~~\$40 as prescribed~~
 10 ~~by the board but may not exceed \$60~~ for those holding
 11 engineer-in-training and land surveyor-in-training
 12 certificates validated in Montana. For those holding valid
 13 engineer-in-training and land surveyor-in-training
 14 certificates from another state, the application fee is ~~\$60~~
 15 ~~as prescribed by the board but may not exceed \$100~~. The fee
 16 shall accompany the application. Upon approval of
 17 application for registration as a professional engineer and
 18 land surveyor, an additional fee equal to the existing
 19 yearly renewal fee must be paid before issuance of a
 20 certificate.

21 (8) If the board denies issuance of a certificate of
 22 registration to any applicant, the initial fee deposited
 23 shall be retained as an application fee."

24 Section 7. Section 37-67-315, MCA, is amended to read:
 25 "37-67-315. Annual renewal -- fee -- verification of

1 ~~competency.~~ (1) Certificates of registration expire on
 2 December 31 ~~of the appropriate year~~ and become invalid on
 3 that date unless renewed. The department shall notify every
 4 person registered under this chapter of the date of the
 5 expiration of his certificate and the amount of the fee
 6 required for its renewal for ~~1-year~~ 2 years. This notice
 7 shall be mailed at least 1 month in advance of the date of
 8 the expiration of the certificate. Renewal may be made
 9 during the month of December ~~of the appropriate year~~ by the
 10 payment of a fee, not to exceed \$20 ~~\$60 biennially~~, as set
 11 by the board for either a professional engineer or land
 12 surveyor, or both.

13 ~~(2) No certificate may be renewed unless the~~
 14 ~~registrant submits a verified statement to the effect and~~
 15 ~~the board is satisfied that he has maintained competency by:~~

16 ~~(a) the continued practice of engineering or land~~
 17 ~~surveying; or~~

18 ~~(b) engaging in other activities that provide for the~~
 19 ~~maintenance of competency as prescribed by board rule.~~

20 (3) Failure on the part of a registrant to renew his
 21 certificate ~~annually~~ biennially in the month of December ~~of~~
 22 ~~the appropriate year~~ does not deprive him of the right of
 23 renewal; however, a registrant who fails to pay the renewal
 24 fee for ~~2--consecutive--years~~ an additional renewal period
 25 shall be considered a new applicant and is required to

1 submit a new application."

2 Section 8. Section 37-67-318, MCA, is amended to read:
 3 "37-67-318. Roster of licensees to be published by
 4 department. A roster showing the names and addresses of
 5 registered professional engineers and registered land
 6 surveyors shall be published by the department ~~during the~~
 7 ~~month of April~~ each year. Copies of this roster shall be
 8 mailed to each person registered. Copies shall also be
 9 placed on file with the secretary of state, the clerk of
 10 each incorporated city and town, and in the office of each
 11 county clerk and recorder within the state and furnished to
 12 the public on request at a fee established by the board."

13 Section 9. Section 37-67-331, MCA, is amended to read:
 14 "37-67-331. Revocation, suspension, or refusal to
 15 renew certificate -- grounds -- procedure -- reinstatement.
 16 (1) The board may reprimand or revoke, suspend, or refuse to
 17 renew the certificate of a registrant found guilty of:

18 (a) fraud or deceit in obtaining a certificate of
 19 registration;

20 (b) gross negligence, incompetency, or misconduct in
 21 the practice of engineering or land surveying as a
 22 registered professional engineer or land surveyor;

23 (c) a felony;

24 (d) violation of rules for professional conduct for
 25 professional engineers and land surveyors adopted by the

1 board;

2 (e) if a land surveyor, failure to comply with the
 3 Corner Recordation Act.

4 (2) Any person may make charges of fraud, deceit,
 5 gross negligence, incompetency, or misconduct against a
 6 registrant. The charges shall be made by affidavit and
 7 subscribed and sworn to by the person making them and filed
 8 with the department. ~~Unless dismissed by the board as~~
 9 ~~unfounded or trivial, charges shall be heard by the board~~
 10 ~~within 3 months after the date on which they were made. The~~
 11 ~~charges shall be investigated by the board and, unless the~~
 12 ~~board dismisses the charges after investigation as unfounded~~
 13 ~~or trivial, it shall act on the charges within 6 months~~
 14 ~~after the date on which the charges were made. The board is~~
 15 ~~considered to have acted on the charges if it has given~~
 16 ~~notice by mail to the licensee of its intent to revoke,~~
 17 ~~suspend, or refuse to renew his license and the notice~~
 18 ~~contains the facts or conduct which warrant the intended~~
 19 ~~action.~~

20 (3) The board may require a registrant to take a
 21 written or oral examination, or both, in a proceeding to
 22 reprimand or revoke, suspend, or refuse to renew.

23 (4) If, after hearing, four or more members of the
 24 board vote in favor of sustaining the charges, the board
 25 shall reprimand, suspend, refuse to renew, or revoke the

1 certificate of registration of the registered professional
2 engineer or land surveyor.

3 (b) The board, for reasons it considers sufficient,
4 may reissue a certificate of registration to a person whose
5 certificate has been revoked if four or more members of the
6 board vote in favor of the reissuance."

7 Section 10. Transition. A person appointed prior to
8 July 1, 1979, to the board of professional engineers and
9 land surveyors for a 5-year term shall serve until the
10 expiration of such term. A member of the board appointed
11 after July 1, 1979, shall serve for a term of 4 years as
12 provided in section 3.

13 Section 11. Effective date. This act is effective on
14 passage and approval.

-End-

STATE OF MONTANA

REQUEST NO. 330-79

FISCAL NOTE

Form BD-15

In compliance with a written request received February 13, 19 79, there is hereby submitted a Fiscal Note for Senate Bill 422 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION:

Provides for the re-establishment of the Board of Professional Engineers and Land Surveyors for 6 years; revises membership; increases fees; etc.

ASSUMPTIONS:

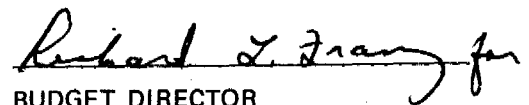
1. The functions of the Board, as pertains to expenditure impact, will remain the same.
2. Fees will be set commensurate with costs.

FISCAL IMPACT:

None.

Funding to continue the program is contained in the Executive Budget.

Funding is from an earmarked revenue fund account.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/14/79

1 STATEMENT OF INTENT RE: SB 422

2
3
4 A statement of intent is required for SB 422 in that it
5 delegates rulemaking authority to the board of professional
6 engineers and land surveyors in sections 6 and 7.

7 Section 6 gives the board the authority to adopt fees
8 not to exceed the various amounts listed. It is intended
9 that the fees will not exceed amounts necessary to meet
10 administrative costs.

11 Section 7 gives the board the authority to adopt rules
12 that define the maintenance of competency. The rules shall
13 provide that competency may be evidenced by either continued
14 active practice or other activities.

15 As regards the continued practice alternative the rules
16 should prescribe the number of hours of practice required
17 during the 2 year renewal period and should define the types
18 of activities which constitute active practice.

19 As regards the "other activities" alternative the
20 following areas should be addressed:

21 (a) types of activities that will fulfill the
22 requirements, including but not limited to classroom
23 instruction, seminars, examinations, intrafirm or
24 intracompany group study programs, or home study;

25 (b) standards for determining programs to be approved

1 for fulfillment of the requirements such as adequacy of
2 facilities, qualifications of instructors, and course
3 content;

4 (c) the basic content and the procedure and passing
5 grade for examinations, if any, required; and

6 (d) methods of monitoring compliance.

7 First adopted by the SENATE STATE ADMINISTRATION
8 COMMITTEE on February 21, 1979.

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 3 BY REQUEST OF THE BOARD OF PROFESSIONAL ENGINEERS
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 10 and occupational licensing, created by 2-15-1651;
 11 (d) state banking board, department of business
 12 regulation, created by 2-15-1803;
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4 and occupational licensing, created by 2-15-1655;

5 ~~(l)~~(k) board of real estate, department of
6 professional and occupational licensing, created by
7 2-15-1642;

8 ~~(m)~~(l) state board of warm air heating, ventilation,
9 and air conditioning, department of professional and
10 occupational licensing, created by 2-15-1656;

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22 and occupational licensing, created by 2-15-1613;

23 (e) board of cosmetologists, department of
24 professional and occupational licensing, created by
25 2-15-1626;

1 (f) board of dentists, department of professional and
2 occupational licensing, created by 2-15-1606;

3 (g) board of hearing aid dispensers, department of
4 professional and occupational licensing, created by
5 2-15-1616;

6 (h) board of massage therapists, department of
7 professional and occupational licensing, created by
8 2-15-1627;

9 (i) Montana state board of medical examiners,
10 department of professional and occupational licensing,
11 created by 2-15-1605;

12 (j) board of morticians, department of professional
13 and occupational licensing, created by 2-15-1619;

14 (k) board of nursing, department of professional and
15 occupational licensing, created by 2-15-1610;

16 (l) board of nursing home administrators, department
17 of professional and occupational licensing, created by
18 2-15-1611;

19 (m) board of optometrists, department of professional
20 and occupational licensing, created by 2-15-1612;

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22 professional and occupational licensing, created by
23 2-15-1607;

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2 professional and occupational licensing, created by
3 2-15-1608;

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5 and occupational licensing, created by 2-15-1617;

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8 2-15-1614;

9 (s) board of speech pathologists and audiologists,
10 department of professional and occupational licensing,
11 created by 2-15-1615;

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13 and occupational licensing, created by 2-15-1618;

14 (u) board of veterans' affairs, department of social
15 and rehabilitation services, created by 2-15-2202.

16 (j) The following units of state government shall
17 terminate on July 1, 1983:

18 (a) board of aeronautics, department of community
19 affairs, created by 2-15-1103;

20 (b) state board of hail insurance, department of
21 agriculture, created by 2-15-3003;

22 (c) board of horse racing, department of professional
23 and occupational licensing, created by 2-15-1662;

24 (d) board of livestock, department of livestock,
25 created by 2-15-3102;

1 (e) board of milk control, department of business
2 regulation, created by 2-15-1802;

3 (f) board of oil and gas conservation, department of
4 natural resources and conservation, created by 2-15-3303;

5 (g) Montana outfitters council, department of fish and
6 game, created by 2-15-3403;

7 (h) public service commission, department of public
8 service regulation, created by 69-1-102;

9 (i) board of sanitarians, department of professional
10 and occupational licensing, created by 2-15-1631;

11 (j) board of water and wastewater operators,
12 department of health and environmental sciences, created by
13 2-15-2105;

14 (k) board of water well contractors, department of
15 professional and occupational licensing, created by
16 2-15-1632.

17 ~~(l) The following agency terminates on July 1, 1985:~~
18 ~~The board of professional engineers and land surveyors,~~
19 ~~created by 2-15-1653."~~

20 Section 3. Section 2-15-1653, MCA, is amended to read:
21 "2-15-1653. Board of professional engineers and land
22 surveyors. (1) There is a board of professional engineers
23 and land surveyors.

24 (2) The board consists of seven ~~nine~~ members appointed
25 by the governor. The members are:

1 (a) five professional engineers who have been engaged
 2 in the practice of engineering for at least 12 years and who
 3 have been in responsible charge of engineering teaching or
 4 important engineering work for at least 5 years and
 5 registered in Montana for at least 5 years. No more than
 6 two of these members may be from the same branch of
 7 engineering.

8 (b) two registered and practicing land surveyors who
 9 have been engaged in the practice of land surveying for at
 10 least 12 years and who have been in responsible charge of
 11 land surveying or important land surveying work for at least
 12 5 years and registered in Montana for at least 5 years.

13 ~~(c) two representatives of the public who are not~~
 14 ~~engaged in or directly connected with the practice of~~
 15 ~~engineering or land surveying.~~

16 (3) Each member shall be a citizen of the United
 17 States and a resident of this state. A member, after
 18 serving two ~~three~~ consecutive terms, shall not be
 19 reappointed ~~for a period of 2 years.~~

20 (4) Each member shall serve for a term of 5 ~~4~~ years.
 21 The governor may remove a member for misconduct,
 22 incompetency, neglect of duty, or for any other sufficient
 23 cause.

24 (5) The board is allocated to the department for
 25 administrative purposes only as prescribed in 2-15-121."

1 Section 4. Section 18-2-122, MCA, is amended to read:
 2 "18-2-122. Plans to bear seal. ~~(1)~~ This state and its
 3 political subdivisions such as counties, cities, towns,
 4 townships, boroughs, or other political entities or legally
 5 constituted boards, commissions, or authorities or officials
 6 or employees thereof shall not accept plans and
 7 specifications for public buildings, water systems and
 8 storage facilities, sewerage systems, wastewater disposal
 9 projects, swimming pools, recreational facilities, and
 10 similar type projects which may have a direct bearing on the
 11 public health and safety for approval unless they bear the
 12 seal of the professional engineer for engineering projects
 13 or the land surveyor for land surveying projects or licensed
 14 architect for architectural projects, as provided for the
 15 practice of the respective professions by Title 37.

16 ~~(2) For purposes of this section "public" means open~~
 17 ~~to access by the general public."~~

18 Section 5. Section 37-67-201, MCA, is amended to read:
 19 "37-67-201. Organization -- meetings -- quorum --
 20 seal. (1) The board shall hold at least two regular meetings
 21 each year. Special meetings shall be held at such time as
 22 the rules of the board may provide. Notice of all meetings
 23 shall be given in such manner as the rules may provide.

24 (2) The board shall elect annually the following
 25 officers: a chairman, a vice-chairman, and a secretary.

1 (3) A quorum of the board shall consist of not less
2 than four five members.

3 (4) The board shall adopt and have an official seal."

4 Section 6. Section 37-67-303, MCA, is amended to read:

5 "37-67-303. Application -- contents -- fees. (1)

6 Applications for registration shall be on forms prescribed
7 by the board and furnished by the department, shall contain
8 statements made under oath showing the applicant's education
9 and a detailed summary of his technical work, and shall
10 contain not less than five references, of whom three or more
11 shall be engineers or land surveyors having personal
12 knowledge of his engineering or land surveying experience.

13 (2) The fee for engineer-in-training is \$20 as
14 prescribed by the board but may not exceed \$30, which shall
15 accompany the application and shall include the cost of one
16 examination. No additional fee is required for issuance of a
17 certificate.

18 (3) The application fee for registration as a
19 professional engineer is ~~\$20~~ as prescribed by the board but
20 may not exceed \$40 for those holding an engineer-in-training
21 certificate validated for Montana. For those holding a valid
22 engineer-in-training certificate from some other state, the
23 application fee is ~~\$30~~ as prescribed by the board but may
24 not exceed \$50, which includes cost of transfer of
25 engineer-in-training certification and one examination.

1 Upon approval of application for registration as a
2 professional engineer, an additional fee equal to the
3 existing yearly renewal fee must be paid before issuance of
4 a certificate as a professional engineer.

5 (4) The department, subject to approval by the board,
6 may, on application and payment of a fee of ~~-\$40~~ as
7 prescribed by the board but not to exceed \$60, issue a
8 certificate of registration as a professional engineer to a
9 person who holds a certificate of qualification or
10 registration issued to him by the committee on national
11 engineering certification of the national council of
12 engineering examiners or by a state, territory, or
13 possession of the United States or by another country if the
14 applicant's qualifications meet the requirements of this
15 chapter and the rules of the board.

16 (5) The fee for land surveyor-in-training is \$20 as
17 prescribed by the board but may not exceed \$30, which shall
18 accompany the application and shall include the cost of one
19 examination. No additional fee is required for issuance of
20 a certificate.

21 (6) The application fee for registration as a land
22 surveyor is ~~\$20~~ as prescribed by the board but may not
23 exceed \$40 for those holding a land surveyor-in-training
24 certificate validated in Montana. For those holding a valid
25 land surveyor-in-training certificate from some other state,

1 the application fee is ~~30~~ as prescribed by the board but
 2 may not exceed \$50, which includes cost of transfer of the
 3 certification. No additional fee is required for issuance of
 4 a certificate. Upon approval of application for registration
 5 as a land surveyor, an additional fee equal to the existing
 6 ~~yearly~~ renewal fee must be paid before issuance of a
 7 certificate as a land surveyor.

8 (7) The application fee for registration as both a
 9 professional engineer and land surveyor is ~~40~~ as prescribed
 10 by the board but may not exceed \$60 for those holding
 11 engineer-in-training and land surveyor-in-training
 12 certificates validated in Montana. For those holding valid
 13 engineer-in-training and land surveyor-in-training
 14 certificates from another state, the application fee is ~~60~~
 15 as prescribed by the board but may not exceed \$100. The fee
 16 shall accompany the application. Upon approval of
 17 application for registration as a professional engineer and
 18 land surveyor, an additional fee equal to the existing
 19 ~~yearly~~ renewal fee must be paid before issuance of a
 20 certificate.

21 (8) If the board denies issuance of a certificate of
 22 registration to any applicant, the initial fee deposited
 23 shall be retained as an application fee."

24 Section 7. Section 37-67-315, MCA, is amended to read:
 25 "37-67-315. Annual renewal -- fee -- verification of

1 competency. (1) Certificates of registration expire on
 2 December 31 of the appropriate year and become invalid on
 3 that date unless renewed. The department shall notify every
 4 person registered under this chapter of the date of the
 5 expiration of his certificate and the amount of the fee
 6 required for its renewal for ~~1-year~~ 2 years. This notice
 7 shall be mailed at least 1 month in advance of the date of
 8 the expiration of the certificate. Renewal may be made
 9 during the month of December of the appropriate year by the
 10 payment of a fee, not to exceed ~~20~~ \$60 biennially, as set
 11 by the board for either a professional engineer or land
 12 surveyor, or both.

13 (2) No certificate may be renewed unless the
 14 registrant submits a verified statement to the effect and
 15 the board is satisfied that he has maintained competency by:

16 (a) the continued practice of engineering or land
 17 surveying; or

18 (b) engaging in other activities that provide for the
 19 maintenance of competency as prescribed by board rule.

20 (3) Failure on the part of a registrant to renew his
 21 certificate ~~annually~~ biennially in the month of December of
 22 the appropriate year does not deprive him of the right of
 23 renewal; however, a registrant who fails to pay the renewal
 24 fee for ~~2--consecutive--years~~ an additional renewal period
 25 shall be considered a new applicant and is required to

1 submit a new application."

2 Section 8. Section 37-67-318, MCA, is amended to read:
3 "37-67-318. Roster of licensees to be published by
4 department. A roster showing the names and addresses of
5 registered professional engineers and registered land
6 surveyors shall be published by the department ~~during--the~~
7 ~~month--of--April--each--year.~~ Copies of this roster shall be
8 mailed to each person registered. Copies shall also be
9 placed on file with the secretary of state, the clerk of
10 each incorporated city and town, and in the office of each
11 county clerk and recorder within the state and furnished to
12 the public on request at a fee established by the board."

13 Section 9. Section 37-67-331, MCA, is amended to read:

14 "37-67-331. Revocation, suspension, or refusal to
15 renew certificate -- grounds -- procedure -- reinstatement.

16 (1) The board may reprimand or revoke, suspend, or refuse to
17 renew the certificate of a registrant found guilty of:

18 (a) fraud or deceit in obtaining a certificate of
19 registration;

20 (b) gross negligence, incompetency, or misconduct in
21 the practice of engineering or land surveying as a
22 registered professional engineer or land surveyor;

23 (c) a felony;

24 (d) violation of rules for professional conduct for
25 professional engineers and land surveyors adopted by the

1 board;

2 (e) if a land surveyor, failure to comply with the
3 Corner Recordation Act.

4 (2) Any person may make charges of fraud, deceit,
5 gross negligence, incompetency, or misconduct against a
6 registrant. The charges shall be made by affidavit and
7 subscribed and sworn to by the person making them and filed
8 with the department. ~~Unless--dismissed--by--the--board--as~~
9 ~~unfounded--or--trivial,--charges--shall--be--heard--by--the--board~~
10 ~~within--3--months--after--the--date--on--which--they--were--made.~~ The
11 charges shall be investigated by the board and, unless the
12 board dismisses the charges after investigation as unfounded
13 or trivial, it shall act on the charges within 6 months
14 after the date on which the charges were made. The board is
15 considered to have acted on the charges if it has given
16 notice by mail to the licensee of its intent to revoke,
17 suspend, or refuse to renew his license and the notice
18 contains the facts or conduct which warrant the intended
19 action.

20 (3) The board may require a registrant to take a
21 written or oral examination, or both, in a proceeding to
22 reprimand or revoke, suspend, or refuse to renew.

23 (4) If, after hearing, four or more members of the
24 board vote in favor of sustaining the charges, the board
25 shall reprimand, suspend, refuse to renew, or revoke the

1 certificate of registration of the registered professional
2 engineer or land surveyor.

3 (5) The board, for reasons it considers sufficient,
4 may reissue a certificate of registration to a person whose
5 certificate has been revoked if four or more members of the
6 board vote in favor of the reissuance."

7 Section 10. Transition. A person appointed prior to
8 July 1, 1979, to the board of professional engineers and
9 land surveyors for a 5-year term shall serve until the
10 expiration of such term. A member of the board appointed
11 after July 1, 1979, shall serve for a term of 4 years as
12 provided in section 3.

13 Section 11. Effective date. This act is effective on
14 passage and approval.

-End-

1 STATEMENT OF INTENT RE: SB 422

2
3
4 A statement of intent is required for SB 422 in that it
5 delegates rulemaking authority to the board of professional
6 engineers and land surveyors in sections 6 and 7.

7 Section 6 gives the board the authority to adopt fees
8 not to exceed the various amounts listed. It is intended
9 that the fees will not exceed amounts necessary to meet
10 administrative costs.

11 Section 7 gives the board the authority to adopt rules
12 that define the maintenance of competency. The rules shall
13 provide that competency may be evidenced by either continued
14 active practice or other activities.

15 As regards the continued practice alternative the rules
16 should prescribe the number of hours of practice required
17 during the 2 year renewal period and should define the types
18 of activities which constitute active practice.

19 As regards the "other activities" alternative the
20 following areas should be addressed:

21 (a) types of activities that will fulfill the
22 requirements, including but not limited to classroom
23 instruction, seminars, examinations, intrafirm or
24 intracompany group study programs, or home study;

25 (b) standards for determining programs to be approved

1 for fulfillment of the requirements such as adequacy of
2 facilities, qualifications of instructors, and course
3 content;

4 (c) the basic content and the procedure and passing
5 grade for examinations, if any, required; and

6 (d) methods of monitoring compliance.

7 First adopted by the SENATE STATE ADMINISTRATION
8 COMMITTEE on February 21, 1979.

SENATE BILL NO. 422

INTRODUCED BY HAGER, HEALY

BY REQUEST OF THE BOARD OF PROFESSIONAL ENGINEERS

AND LAND SURVEYORS

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE REESTABLISHMENT OF THE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS FOR A PERIOD OF 6 YEARS; TO REVISE THE BOARD MEMBERSHIP BY ADDING TWO PUBLIC MEMBERS; TO REDUCE BOARD MEMBERS' TERMS OF OFFICE FROM 5 TO 4 YEARS; TO LIMIT A BOARD MEMBER TO THREE TERMS; TO REVISE THE BOARD QUORUM REQUIREMENT; TO INCREASE FEES; TO PROVIDE FOR A 2-YEAR LICENSE RENEWAL; TO PROVIDE FOR PUBLISHING A ROSTER; TO PROVIDE THAT CHARGES MADE MUST BE ACTED UPON WITHIN 6 MONTHS; ~~DEFINING "PUBLIC" FOR PURPOSES OF SUPERVISION OF PUBLIC WORKS AND PROVIDING FOR VERIFICATION OF COMPETENCY; AND EXEMPTING CERTAIN FACULTY MEMBERS IN THE MONTANA UNIVERSITY SYSTEM FROM THE PROVISIONS OF TITLE 37, CHAPTER 67~~ AMENDING SECTIONS 2-8-103, 2-15-1653, ~~2-2-122, 37-67-103,~~ 37-67-201, 37-67-303, 37-67-315, 37-67-318, AND 37-67-331, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Board reestablished. The board of professional engineers and land surveyors, created

by 2-15-1653, is reestablished for a period of 6 years pursuant to 2-8-122.

Section 2. Section 2-8-103, MCA, is amended to read: "2-8-103. Agencies to terminate. (1) The following agencies shall terminate on July 1, 1979:

(a) board of abstracters, department of professional and occupational licensing, created by 2-15-1643;

(b) board of public accountants, department of professional and occupational licensing, created by 2-15-1641;

(c) board of architects, department of professional and occupational licensing, created by 2-15-1651;

(d) state banking board, department of business regulation, created by 2-15-1803;

(e) state electrical board, department of professional and occupational licensing, created by 2-15-1654;

~~(f) board of professional engineers and land surveyors, department of professional and occupational licensing, created by 2-15-1653~~

~~(g)(1) office of commissioner of insurance and the insurance department, state auditor's office, created by 2-15-1902 and 2-15-1903;~~

~~(h)(1) office of the investment commissioner, state auditor's office, created by 2-15-1901;~~

~~(i)(1) board of landscape architects, department of~~

1 professional and occupational licensing, created by
2 2-15-1652;

3 (j) board of county printing, department of
4 community affairs, created by 2-15-1102;

5 (k) board of plumbers, department of professional
6 and occupational licensing, created by 2-15-1655;

7 (l) board of real estate, department of
8 professional and occupational licensing, created by
9 2-15-1642;

10 (m) state board of warm air heating, ventilation,
11 and air conditioning, department of professional and
12 occupational licensing, created by 2-15-1656;

13 (n) board of institutions, department of
14 institutions, created by 2-15-2303.

15 (2) The following agencies shall terminate on July 1,
16 1981:

17 (a) commission for human rights, department of labor
18 and industry, created by 2-15-1706;

19 (b) board of athletics, department of professional and
20 occupational licensing, created by 2-15-1661;

21 (c) board of barbers, department of professional and
22 occupational licensing, created by 2-15-1625;

23 (d) board of chiropractors, department of professional
24 and occupational licensing, created by 2-15-1613;

25 (e) board of cosmetologists, department of

1 professional and occupational licensing, created by
2 2-15-1626;

3 (f) board of dentists, department of professional and
4 occupational licensing, created by 2-15-1606;

5 (g) board of hearing aid dispensers, department of
6 professional and occupational licensing, created by
7 2-15-1616;

8 (h) board of massage therapists, department of
9 professional and occupational licensing, created by
10 2-15-1627;

11 (i) Montana state board of medical examiners,
12 department of professional and occupational licensing,
13 created by 2-15-1605;

14 (j) board of morticians, department of professional
15 and occupational licensing, created by 2-15-1619;

16 (k) board of nursing, department of professional and
17 occupational licensing, created by 2-15-1610;

18 (l) board of nursing home administrators, department
19 of professional and occupational licensing, created by
20 2-15-1611;

21 (m) board of optometrists, department of professional
22 and occupational licensing, created by 2-15-1612;

23 (n) board of osteopathic physicians, department of
24 professional and occupational licensing, created by
25 2-15-1607;

1 (o) board of pharmacists, department of professional
 2 and occupational licensing, created by 2-15-1609;
 3 (p) board of podiatry examiners, department of
 4 professional and occupational licensing, created by
 5 2-15-1608;
 6 (q) board of psychologists, department of professional
 7 and occupational licensing, created by 2-15-1617;
 8 (r) board of radiologic technologists, department of
 9 professional and occupational licensing, created by
 10 2-15-1614;
 11 (s) board of speech pathologists and audiologists,
 12 department of professional and occupational licensing,
 13 created by 2-15-1615;
 14 (t) board of veterinarians, department of professional
 15 and occupational licensing, created by 2-15-1618;
 16 (u) board of veterans' affairs, department of social
 17 and rehabilitation services, created by 2-15-2202.
 18 (3) The following units of state government shall
 19 terminate on July 1, 1983:
 20 (a) board of aeronautics, department of community
 21 affairs, created by 2-15-1103;
 22 (b) state board of hail insurance, department of
 23 agriculture, created by 2-15-3003;
 24 (c) board of horse racing, department of professional
 25 and occupational licensing, created by 2-15-1662;

1 (d) board of livestock, department of livestock,
 2 created by 2-15-3102;
 3 (e) board of milk control, department of business
 4 regulation, created by 2-15-1802;
 5 (f) board of oil and gas conservation, department of
 6 natural resources and conservation, created by 2-15-3303;
 7 (g) Montana outfitters council, department of fish and
 8 game, created by 2-15-3403;
 9 (h) public service commission, department of public
 10 service regulation, created by 69-1-102;
 11 (i) board of sanitarians, department of professional
 12 and occupational licensing, created by 2-15-1631;
 13 (j) board of water and wastewater operators,
 14 department of health and environmental sciences, created by
 15 2-15-2105;
 16 (k) board of water well contractors, department of
 17 professional and occupational licensing, created by
 18 2-15-1632.
 19 ~~the following agency terminates on July 1, 1983:~~
 20 ~~the board of professional engineers and land surveyors~~
 21 ~~created by 2-15-1653a"~~
 22 Section 3. Section 2-15-1653, MCA, is amended to read:
 23 "2-15-1653. Board of professional engineers and land
 24 surveyors. (1) There is a board of professional engineers
 25 and land surveyors.

1 (2) The board consists of seven ~~nine~~ members appointed
2 by the governor. The members are:

3 (a) five professional engineers who have been engaged
4 in the practice of engineering for at least 12 years and who
5 have been in responsible charge of engineering teaching or
6 important engineering work for at least 5 years and
7 registered in Montana for at least 5 years. No more than
8 two of these members may be from the same branch of
9 engineering.

10 (b) two registered and practicing land surveyors who
11 have been engaged in the practice of land surveying for at
12 least 12 years and who have been in responsible charge of
13 land surveying or important land surveying work for at least
14 5 years and registered in Montana for at least 5 years;

15 ~~(c) two representatives of the public who are not~~
16 ~~engaged in or directly connected with the practice of~~
17 ~~engineering or land surveying.~~

18 (3) Each member shall be a citizen of the United
19 States and a resident of this state. A member, after
20 serving two ~~three~~ consecutive terms, shall not be
21 reappointed for ~~a period of 2 years.~~

22 (4) Each member shall serve for a term of 5 ~~4~~ years.
23 The governor may remove a member for misconduct,
24 incompetency, neglect of duty, or for any other sufficient
25 cause.

1 (5) The board is allocated to the department for
2 administrative purposes only as prescribed in 2-15-121."

3 ~~Section 4--Section 18-2-122--MCA--is amended to read:~~
4 ~~"18-2-122--Plans--to bear seats ~~in~~ This state and its~~
5 ~~political subdivisions--such as--counties--cities--towns~~
6 ~~townships--boroughs--or other political entities or legally~~
7 ~~constituted boards--commissions--or authorities--or officials~~
8 ~~or--employees--thereof--shall--not--accept--plans--and~~
9 ~~specifications--for--public--buildings--water--systems--and~~
10 ~~storage facilities--sewerage--systems--wastewater--disposal~~
11 ~~projects--swimming--pools--recreation--facilities--and~~
12 ~~similar type projects which may have a direct bearing on the~~
13 ~~public health and safety for approval unless they bear the~~
14 ~~seat of the professional engineer for engineering projects~~
15 ~~or the land surveyor for land surveying projects or licensed~~
16 ~~architect for architectural projects as provided for the~~
17 ~~practice of the respective professions by Title 37~~

18 ~~(1) For purposes of this section "public" means open~~
19 ~~to access by the general public"~~

20 ~~SECTION 4--SECTION 37-67-103--MCA--IS AMENDED TO READ:~~
21 ~~"37-67-103--Exemptions--The following are exempt from~~
22 ~~coverage under this chapter:~~

23 ~~(1) the practice of any other legally recognized~~
24 ~~professions or trades;~~

25 ~~(2) the mere execution of work by a contractor as~~

1 distinguished from its planning or design or the supervision
 2 of the construction of work as a foreman or superintendent
 3 (3) the work of an employee or a subordinate of a
 4 person holding a certificate of registration under this
 5 chapter or an employee of a person practicing lawfully under
 6 this chapter provided such work does not include final
 7 engineering or land surveying designs or decisions and is
 8 done under the direct supervision of a person holding a
 9 certificate of registration under this chapter or a person
 10 practicing lawfully under this chapter
 11 (4) the practice of professional engineering by
 12 licensed architects where the practice is purely incidental
 13 to their practice of architecture
 14 (5) the practice of professional engineering or land
 15 surveying in this state by a firm, partnership, corporation,
 16 or joint stock association or by its members, officers, or
 17 employees on its behalf if each person personally
 18 supervising and in direct charge of all activities of the
 19 firm, partnership, corporation, or joint stock association
 20 which constitutes the practice is a professional engineer or
 21 land surveyor holding a certificate of registration under
 22 this chapter
 23 (6) faculty members in the Montana university system
 24 who are performing duties in connection with their
 25 employment"

1 Section 4. Section 37-67-201, MCA, is amended to read:
 2 "37-67-201. Organization -- meetings -- quorum --
 3 seal. (1) The board shall hold at least two regular meetings
 4 each year. Special meetings shall be held at such time as
 5 the rules of the board may provide. Notice of all meetings
 6 shall be given in such manner as the rules may provide.
 7 (2) The board shall elect annually the following
 8 officers: a chairman, a vice-chairman, and a secretary.
 9 (3) A quorum of the board shall consist of not less
 10 than four ~~five~~ members.
 11 (4) The board shall adopt and have an official seal."
 12 Section 5. Section 37-67-303, MCA, is amended to read:
 13 "37-67-303. Application -- contents -- fees. (1)
 14 Applications for registration shall be on forms prescribed
 15 by the board and furnished by the department, shall contain
 16 statements made under oath showing the applicant's education
 17 and a detailed summary of his technical work, and shall
 18 contain not less than five references, of whom three or more
 19 shall be engineers or land surveyors having personal
 20 knowledge of his engineering or land surveying experience.
 21 (2) The fee for engineer-in-training is \$29 ~~as~~
 22 ~~prescribed by the board but may not exceed \$30~~, which shall
 23 accompany the application and shall include the cost of one
 24 examination. No additional fee is required for issuance of a
 25 certificate.

1 (3) The application fee for registration as a
 2 professional engineer is \$20 as prescribed by the board but
 3 may not exceed \$40 for those holding an engineer-in-training
 4 certificate validated for Montana. For those holding a valid
 5 engineer-in-training certificate from some other state, the
 6 application fee is \$30 as prescribed by the board but may
 7 not exceed \$50, which includes cost of transfer of
 8 engineer-in-training certification and one examination.
 9 Upon approval of application for registration as a
 10 professional engineer, an additional fee equal to the
 11 existing yearly renewal fee must be paid before issuance of
 12 a certificate as a professional engineer.

13 (4) The department, subject to approval by the board,
 14 may, on application and payment of a fee of -\$40 as
 15 prescribed by the board but not to exceed \$60, issue a
 16 certificate of registration as a professional engineer to a
 17 person who holds a certificate of qualification or
 18 registration issued to him by the committee on national
 19 engineering certification of the national council of
 20 engineering examiners or by a state, territory, or
 21 possession of the United States or by another country if the
 22 applicant's qualifications meet the requirements of this
 23 chapter and the rules of the board.

24 (5) The fee for land surveyor-in-training is \$29 as
 25 prescribed by the board but may not exceed \$30, which shall

1 accompany the application and shall include the cost of one
 2 examination. No additional fee is required for issuance of
 3 a certificate.

4 (6) The application fee for registration as a land
 5 surveyor is \$20 as prescribed by the board but may not
 6 exceed \$40 for those holding a land surveyor-in-training
 7 certificate validated in Montana. For those holding a valid
 8 land surveyor-in-training certificate from some other state,
 9 the application fee is \$30 as prescribed by the board but
 10 may not exceed \$50, which includes cost of transfer of the
 11 certification. No additional fee is required for issuance of
 12 a certificate. Upon approval of application for registration
 13 as a land surveyor, an additional fee equal to the existing
 14 yearly renewal fee must be paid before issuance of a
 15 certificate as a land surveyor.

16 (7) The application fee for registration as both a
 17 professional engineer and land surveyor is \$40 as prescribed
 18 by the board but may not exceed \$60 for those holding
 19 engineer-in-training and land surveyor-in-training
 20 certificates validated in Montana. For those holding valid
 21 engineer-in-training and land surveyor-in-training
 22 certificates from another state, the application fee is \$60
 23 as prescribed by the board but may not exceed \$100. The fee
 24 shall accompany the application. Upon approval of
 25 application for registration as a professional engineer and

1 land surveyor, an additional fee equal to the existing
2 yearly renewal fee must be paid before issuance of a
3 certificate.

4 (8) If the board denies issuance of a certificate of
5 registration to any applicant, the initial fee deposited
6 shall be retained as an application fee."

7 Section 6. Section 37-67-315, MCA, is amended to read:

8 "37-67-315. Annual renewal -- fee -- verification of
9 competency. (1) Certificates of registration expire on
10 December 31 of the appropriate year and become invalid on
11 that date unless renewed. The department shall notify every
12 person registered under this chapter of the date of the
13 expiration of his certificate and the amount of the fee
14 required for its renewal for ~~1-year~~ 2 years. This notice
15 shall be mailed at least 1 month in advance of the date of
16 the expiration of the certificate. Renewal may be made
17 during the month of December of the appropriate year by the
18 payment of a fee, not to exceed \$20 ~~100~~ biennially, as set
19 by the board for either a professional engineer or land
20 surveyor, or both.

21 (2) No certificate may be renewed unless the
22 registrant submits a verified statement to the effect and
23 the board is satisfied that he has maintained competency by:

24 (a) the continued practice of engineering or land
25 surveying; or

1 (b) engaging in other activities that provide for the
2 maintenance of competency as prescribed by board rule.

3 (3) Failure on the part of a registrant to renew his
4 certificate ~~annually~~ biennially in the month of December of
5 the appropriate year does not deprive him of the right of
6 renewal; however, a registrant who fails to pay the renewal
7 fee for ~~2--consecutive--years~~ an additional renewal period
8 shall be considered a new applicant and is required to
9 submit a new application."

10 Section 7. Section 37-67-318, MCA, is amended to read:

11 "37-67-318. Roster of licensees to be published by
12 department. A roster showing the names and addresses of
13 registered professional engineers and registered land
14 surveyors shall be published by the department ~~during the~~
15 ~~month--of--April--each--year.~~ Copies of this roster shall be
16 mailed to each person registered. Copies shall also be
17 placed on file with the secretary of state, the clerk of
18 each incorporated city and town, and in the office of each
19 county clerk and recorder within the state and furnished to
20 the public on request at a fee established by the board."

21 Section 8. Section 37-67-331, MCA, is amended to read:

22 "37-67-331. Revocation, suspension, or refusal to
23 renew certificate -- grounds -- procedure -- reinstatement.
24 (1) The board may reprimand or revoke, suspend, or refuse to
25 renew the certificate of a registrant found guilty of:

1 (a) fraud or deceit in obtaining a certificate of
2 registration;

3 (b) gross negligence, incompetency, or misconduct in
4 the practice of engineering or land surveying as a
5 registered professional engineer or land surveyor;

6 (c) a felony;

7 (d) violation of rules for professional conduct for
8 professional engineers and land surveyors adopted by the
9 board;

10 (e) if a land surveyor, failure to comply with the
11 Corner Recordation Act.

12 (2) Any person may make charges of fraud, deceit,
13 gross negligence, incompetency, or misconduct against a
14 registrant. The charges shall be made by affidavit and
15 subscribed and sworn to by the person making them and filed
16 with the department. ~~Unless dismissed by the board as~~
17 ~~unfounded or trivial, charges shall be heard by the board~~
18 ~~within 3 months after the date on which they were made. The~~
19 ~~charges shall be investigated by the board and, unless the~~
20 ~~board dismisses the charges after investigation as unfounded~~
21 ~~or trivial, it shall act on the charges within 6 months~~
22 ~~after the date on which the charges were made. The board is~~
23 ~~considered to have acted on the charges if it has given~~
24 ~~notice by mail to the licensee of its intent to revoke,~~
25 ~~suspend, or refuse to renew his license and the notice~~

1 ~~contains the facts or conduct which warrant the intended~~
2 ~~action.~~

3 (3) The board may require a registrant to take a
4 written or oral examination, or both, in a proceeding to
5 reprimand or revoke, suspend, or refuse to renew.

6 (4) If, after hearing, four FIVE or more members of
7 the board vote in favor of sustaining the charges, the board
8 shall reprimand, suspend, refuse to renew, or revoke the
9 certificate of registration of the registered professional
10 engineer or land surveyor.

11 (5) The board, for reasons it considers sufficient,
12 may reissue a certificate of registration to a person whose
13 certificate has been revoked if four FIVE or more members of
14 the board vote in favor of the reissuance.*

15 Section 9. Transition. A person appointed prior to
16 July 1, 1979, to the board of professional engineers and
17 land surveyors for a 5-year term shall serve until the
18 expiration of such term. A member of the board appointed
19 after July 1, 1979, shall serve for a term of 4 years as
20 provided in section 3.

21 Section 10. Effective date. This act is effective on
22 passage and approval.

-End-

HOUSE OF REPRESENTATIVES

March 13, 1979

STATE ADMINISTRATION COMMITTEE amendments to Senate Bill No. 422, 3rd reading copy, as follows:

1. Title, lines 15 and 16.

Following: "MONTHS;"

Strike: "DEFINING 'PUBLIC' FOR PURPOSES OF SUPERVISION OF PUBLIC WORKS; AND"

2. Title, line 16.

Following: "COMPETENCY;"

Insert: "AND EXEMPTING CERTAIN FACULTY MEMBERS IN THE MONTANA UNIVERSITY SYSTEM FROM THE PROVISIONS OF TITLE 37, CHAPTER 67;"

3. Title, line 17.

Following: "2-15-1653,"

Strike: "18-2-122"

Insert: "37-67-103"

4. Page 6, lines 17 through 19.

Following: line 16

Strike: subsection (4) in its entirety

5. Page 8, lines 1 through 17.

Strike: lines 1 through 17 in their entirety

Insert: "SECTION 4. SECTION 37-67-103, MCA, IS AMENDED TO READ:

"37-67-103. Exemptions. The following are exempt from coverage under this chapter:

(subsections (1) through (4) remain the same)

(5) the practice of professional engineering or land surveying in this state by a firm, partnership, corporation, or joint-stock association or by its members, officers, or employees on its behalf, if each person personally supervising and in direct charge of all activities of the firm, partnership, corporation, or joint-stock association which constitutes the practice is a professional engineer or land surveyor holding a certificate of registration under this chapter;

(6) faculty members in the Montana university system who are performing duties in connection with their employment."

6. Page 14, line 23.

Following: "hearing,"

Strike: "four"

Insert: "five"

7. Page 15, line 5.

Following: "if"

Strike: "four"

Insert: "five"

AND AS AMENDED
BE CONCURRED IN

HOUSE OF REPRESENTATIVES
March 14, 1979

Committee of the Whole amendments to State Administration Committee
amendments to Senate Bill No. 422, third reading copy, as follows:

1. Strike amendment No. 2 in its entirety

2. Amendment No. 3.

Following: line 3

Strike: insertion in its entirety

3. Amendment No. 5.

Following: line 2

Strike: insertion paragraph in its entirety

Renumber: subsequent sections

AND AS AMENDED,
BE CONCURRED IN