

HOUSE BILL NO. 725
INTRODUCED BY UNDERDAL
BY REQUEST OF
THE DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING

IN THE HOUSE

February 12, 1981	Introduced and referred to Committee on Business and Industry.
February 16, 1981	Fiscal note requested.
February 21, 1981	Fiscal note returned.
	Committee recommend bill do pass as amended. Report adopted.
February 23, 1981	Bill printed and placed on members' desks.
February 24, 1981	Second reading, do pass.
	On motion rules suspended and bill placed on third reading this day.
February 25, 1981	Third reading, passed. Ayes, 93; Noes, 5. Transmitted to Senate.

IN THE SENATE

March 3, 1981	Introduced and referred to Committee on State Administration.
March 13, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 16, 1981	Motion pass consideration.
March 17, 1981	Second reading, concurred in.

March 19, 1981

Third reading, concurred in as amended. Ayes, 44; Noes, 3.

IN THE HOUSE

March 20, 1981

Returned from Senate with amendments.

April 8, 1981

Second reading, amendments concurred in.

April 9, 1981

Third reading, amendments concurred in. Ayes, 94; Noes, 0. Sent to enrolling.

Reported correctly enrolled.

HOUSE BILL NO. 725

INTRODUCED BY Uderdal

BY REQUEST OF

THE DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LICENSING LAWS FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS; INCREASING REGISTRATION FEES; CLARIFYING REQUIREMENTS FOR REGISTRATION AS A SURVEYOR; AND AMENDING SECTIONS 37-67-303, 37-67-308, AND 37-67-315, MCA."

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

Section 1. Section 37-67-303, MCA, is amended to read:

"37-67-303. Application -- contents -- fees. (1) Applications for registration shall be on forms prescribed by the board and furnished by the department, shall contain statements made under oath showing the applicant's education and a detailed summary of his technical work, and shall contain not less than five references, of whom three or more shall be engineers or land surveyors having personal knowledge of his engineering or land surveying experience.

(2) The fee for engineer-in-training is as prescribed by the board but may not exceed \$30 ~~\$45~~, which shall accompany the application and shall include the cost of one examination. No additional fee is required for issuance of a

certificate.

(3) The application fee for registration as a professional engineer is as prescribed by the board but may not exceed \$40 ~~\$60~~ for those holding an engineer-in-training certificate validated for Montana. For those holding a valid engineer-in-training certificate from some other state, the application fee is as prescribed by the board but may not exceed \$50 ~~\$75~~, which includes cost of transfer verification of engineer-in-training certification and one examination. Upon approval of application for registration as a professional engineer, an additional fee equal to the existing renewal fee must be paid before issuance of a certificate as a professional engineer.

(4) The department, subject to approval by the board, may, on approval of the application, and payment of a fee as prescribed by the board but not to exceed \$60 ~~\$90~~, and payment of an additional fee equal to the appropriate renewal fee, issue a certificate of registration as a professional engineer to a person who holds a certificate of qualification or registration issued to him by the committee on national engineering certification of the national council of engineering examiners or by a state, territory, or possession of the United States or by another country if the applicant's qualifications meet the requirements of this chapter and the rules of the board.

1 (5) The fee for land surveyor-in-training is as
2 prescribed by the board but may not exceed \$30 ~~\$42~~, which
3 shall accompany the application and shall include the cost
4 of one examination. No additional fee is required for
5 issuance of a certificate.

6 (6) The application fee for registration as a land
7 surveyor is as prescribed by the board but may not exceed
8 \$40 ~~\$60~~ for those holding a land surveyor-in-training
9 certificate validated in Montana. For those holding a valid
10 land surveyor-in-training certificate from some other state,
11 the application fee is as prescribed by the board but may
12 not exceed \$50 ~~\$75~~, which includes cost of transfer of the
13 certification. ~~No additional fee is required for issuance of~~
14 ~~a certificate.~~ Upon approval of application for registration
15 as a land surveyor, an additional fee equal to the existing
16 renewal fee must be paid before issuance of a certificate as
17 a land surveyor.

18 (7) The application fee for registration as both a
19 professional engineer and land surveyor is as prescribed by
20 the board but may not exceed \$60 ~~\$120~~ for those holding
21 engineer-in-training and land surveyor-in-training
22 certificates validated in Montana. For those holding valid
23 engineer-in-training and land surveyor-in-training
24 certificates from another state, the application fee is as
25 prescribed by the board but may not exceed \$100 ~~\$150~~. The

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

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

8 Section 2. Section 37-67-308, MCA, is amended to read:

9 . "37-67-308. General qualifications of applicants for
10 registration as land surveyor or land surveyor-in-training.

11 (1) To be eligible for admission to examination for land
12 surveyor or land surveyor-in-training, an applicant must be
13 of good character and reputation. The applicant shall submit
14 five references with his application for registration as a
15 land surveyor, three of which references shall be registered
16 land surveyors having personal knowledge of his land
17 surveying experience. In the case of an application for
18 certification as a land surveyor-in-training, the applicant
19 shall submit three references, one of whom shall be a
20 registered land surveyor having personal knowledge of the
21 applicant's land surveying experience.

22 (2) The evaluation of a land surveyor applicant's
23 qualifications involves a consideration of his education,
24 technical and land surveying experience, exhibits of land
25 surveying projects of which he has been in charge,

1 recommendations by references, and a reviewing of these
 2 categories. An interview may be held at the board's
 3 discretion. Educational credit for institute courses,
 4 correspondence courses, etc., shall be determined by the
 5 board. Minimal educational requirements must include 40
 6 quarter credit hours in surveying techniques and principles
 7 and practices of surveying curricula prescribed by the
 8 board."

9 Section 3. Section 37-67-315, MCA, is amended to read:

10 "37-67-315. Annual renewal -- fee -- verification of
 11 competency. (1) Certificates of registration expire on
 12 December 31 of the appropriate year and become invalid on
 13 that date unless renewed. The department shall notify every
 14 person registered under this chapter of the date of the
 15 expiration of his certificate and the amount of the fee
 16 required for its renewal for 2 years. This notice shall be
 17 mailed at least 1 month in advance of the date of the
 18 expiration of the certificate. Renewal may be made during
 19 the month of December of the appropriate year by the payment
 20 of a fee, not to exceed \$60 biennially, as set by the board
 21 for either a professional engineer or land surveyor--or
 22 both. For renewal of a dual license as both a professional
 23 engineer and land surveyor, the fee shall be set by the
 24 board, not to exceed \$90.

25 (2) No certificate may be renewed unless the

1 registrant submits a verified statement to the effect and
 2 the board is satisfied that he has maintained competency by:

3 (a) the continued practice of engineering or land
 4 surveying; or

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

7 (3) Failure on the part of a registrant to renew his
 8 certificate biennially in the month of December of the
 9 appropriate year does not deprive him of the right of
 10 renewal; however, a registrant who fails to pay the renewal
 11 fee for an additional renewal period year of the biennium
 12 shall be considered a new applicant and is required to
 13 submit a new application.

14 (4) The fee for any registrant who fails to renew his
 15 certificate by December 31 of the appropriate year shall be
 16 increased by an amount equal to 50% of his renewal fee.
 17 Renewal may not be completed until all fees are paid."

18 Section 4. Coordination instruction. If ___Bill No. ___
 19 [LC 1288], including the section of that bill relating to
 20 professional engineers and land surveyors, is passed and
 21 approved, the specific dollar amounts of fee changes in
 22 sections 1 and 3 will not become effective. The fees will be
 23 established as provided in ___Bill No. ___ [LC 1288]. The
 24 remaining parts of this act will be unaffected by ___Bill
 25 No. ___ [LC 1288].

STATE OF MONTANA

REQUEST NO. 383-81

FISCAL NOTE

Form BD-15

In compliance with a written request received February 16, 19 81, there is hereby submitted a Fiscal Note for House Bill 725 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

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 of Proposed Legislation

An act to revise the licensing laws for professional engineers and land surveyors; increasing registration fees; clarifying requirements for registration as a surveyor.

Assumption

1. There are 3500 licensed professional engineers and land surveyors, and 1700 EIT's and LSIT's certified.
2. Board licenses professional engineer and engineer-surveyor classification half each year (A-M odd-numbered years, N-Z even-numbered years).
3. Assume fees will be set by the Board at the maximum statutory limit.

Fiscal Impact

Revenue	<u>FY 1982</u>	<u>FY 1983</u>
Current	\$65,000	\$65,000
Proposed	<u>97,500</u>	<u>97,500</u>
Increased Revenue	\$32,500	\$32,500

The funds involved are earmarked revenue, departed in the Board's account.

David M. Lewis

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-27-81

Approved by Committee
on Business and Industry

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18 and a detailed summary of his technical work, and shall
19 contain not less than five references, of whom three or more
20 shall be engineers or land surveyors having personal
21 knowledge of his engineering or land surveying experience.

22 (2) The fee for engineer-in-training is as prescribed
23 by the board but may not exceed ~~\$30~~ \$45, which shall
24 accompany the application and shall include the cost of one
25 examination. No additional fee is required for issuance of a

1 certificate.

2 (3) The application fee for registration as a
3 professional engineer is as prescribed by the board but may
4 not exceed ~~\$48~~ \$60 for those holding an engineer-in-training
5 certificate validated for Montana. For those holding a valid
6 engineer-in-training certificate from some other state, the
7 application fee is as prescribed by the board but may not
8 exceed ~~\$50~~ \$75, which includes cost of ~~transfer~~ verification
9 of engineer-in-training certification and one examination.
10 Upon approval of application for registration as a
11 professional engineer, an additional fee equal to the
12 existing renewal fee must be paid before issuance of a
13 certificate as a professional engineer.

14 (4) The department, subject to approval by the board,
15 may, on approval of the application, and payment of a fee as
16 prescribed by the board but not to exceed ~~\$60~~ \$90, and
17 payment of an additional fee equal to the appropriate
18 renewal fee, issue a certificate of registration as a
19 professional engineer to a person who holds a certificate of
20 qualification or registration issued to him by the committee
21 on national engineering certification of the national
22 council of engineering examiners or by a state, territory,
23 or possession of the United States or by another country if
24 the applicant's qualifications meet the requirements of this
25 chapter and the rules of the board.

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 2 prescribed by the board but may not exceed ~~\$30~~ ~~\$45~~, which
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 4 of one examination. No additional fee is required for
 5 issuance of a certificate.

6 (6) The application fee for registration as a land
 7 surveyor is as prescribed by the board but may not exceed
 8 ~~\$40~~ ~~\$60~~ for those holding a land surveyor-in-training
 9 certificate validated in Montana. For those holding a valid
 10 land surveyor-in-training certificate from some other state,
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 12 not exceed ~~\$50~~ ~~\$75~~, which includes cost of ~~transfer~~
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 14 ~~required-for-issuance-of-a--certificate.~~ Upon approval of
 15 application for registration as a land surveyor, an
 16 additional fee equal to the existing renewal fee must be
 17 paid before issuance of a certificate as a land surveyor.

18 (7) The application fee for registration as both a
 19 professional engineer and land surveyor is as prescribed by
 20 the board but may not exceed ~~\$60~~ ~~\$120~~ for those holding
 21 ~~engineer-in-training~~ and ~~land~~ ~~surveyor-in-training~~
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 6 quarter credit hours in surveying techniques and principles
 7 and practices of surveying curricula prescribed by the
 8 board.*

9 Section 3. Section 37-67-315, MCA, is amended to read:

10 *37-67-315. Annual renewal -- fee -- verification of
 11 competency. (1) Certificates of registration expire on
 12 December 31 of the appropriate year and become invalid on
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 14 person registered under this chapter of the date of the
 15 expiration of his certificate and the amount of the fee
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 17 mailed at least 1 month in advance of the date of the
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 23 engineer and land surveyor, the fee shall be set by the
 24 board, not to exceed \$90.

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 4 surveying; or

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

7 (3) Failure on the part of a registrant to renew his
 8 certificate biennially in the month of December of the
 9 appropriate year does not deprive him of the right of
 10 renewal; however, a registrant who fails to pay the renewal
 11 fee for an additional renewal-period year of the biennium
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HB 0725/02

-End-

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25 examination. No additional fee is required for issuance of a

1 certificate.

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9 of engineer-in-training certification and one examination.
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11 professional engineer, an additional fee equal to the
12 existing renewal fee must be paid before issuance of a
13 certificate as a professional engineer.

14 (4) The department, subject to approval by the board,
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 7 surveyor is as prescribed by the board but may not exceed
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 2 prescribed by the board but may not exceed ~~\$39~~ \$45, which
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 7 surveyor is as prescribed by the board but may not exceed
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 22 certificates validated in Montana. For those holding valid
 23 engineer-in-training and land surveyor-in-training
 24 certificates from another state, the application fee is as
 25 prescribed by the board but may not exceed ~~\$100~~ \$150. The

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

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

8 Section 2. Section 37-67-308, MCA, is amended to read:

9 "37-67-308. General qualifications of applicants for
 10 registration as land surveyor or land surveyor-in-training.

11 (1) To be eligible for admission to examination for land
 12 surveyor or land surveyor-in-training, an applicant must be
 13 of good character and reputation. The applicant shall submit
 14 five references with his application for registration as a
 15 land surveyor, three of which references shall be registered
 16 land surveyors having personal knowledge of his land
 17 surveying experience. In the case of an application for
 18 certification as a land surveyor-in-training, the applicant
 19 shall submit three references, one of whom shall be a
 20 registered land surveyor having personal knowledge of the
 21 applicant's land surveying experience.

22 (2) The evaluation of a land surveyor applicant's
 23 qualifications involves a consideration of his education,
 24 technical and land surveying experience, exhibits of land
 25 surveying projects of which he has been in charge,

1 recommendations by references, and a reviewing of these
 2 categories. An interview may be held at the board's
 3 discretion. Educational credit for institute courses,
 4 correspondence courses, etc., shall be determined by the
 5 board. Minimal educational requirements must include 40
 6 quarter credit hours in surveying techniques and principles
 7 and practices of surveying curricula prescribed by the
 8 board."

9 Section 3. Section 37-67-315, MCA, is amended to read:

10 "37-67-315. Annual renewal -- fee -- verification of
 11 competency. (1) Certificates of registration expire on
 12 December 31 of the appropriate year and become invalid on
 13 that date unless renewed. The department shall notify every
 14 person registered under this chapter of the date of the
 15 expiration of his certificate and the amount of the fee
 16 required for its renewal for 2 years. This notice shall be
 17 mailed at least 1 month in advance of the date of the
 18 expiration of the certificate. Renewal may be made during
 19 the month of December of the appropriate year by the payment
 20 of a fee, not to exceed \$60 biennially, as set by the board
 21 for either a professional engineer or land surveyor, ~~or~~
 22 both. For renewal of a dual license as both a professional
 23 engineer and land surveyor, the fee shall be set by the
 24 board, not to exceed \$90.

25 (2) No certificate may be renewed unless the

1 registrant submits a verified statement to the effect and
 2 the board is satisfied that he has maintained competency by:

3 (a) the continued practice of engineering or land
 4 surveying; or

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

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

14 (4) The fee for any registrant who fails to renew his
 15 certificate by December 31 of the appropriate year shall be
 16 increased by an amount equal to NOT TO EXCEED 50% of his
 17 renewal fee. Renewal may not be completed until all fees are
 18 paid."

19 Section 4. Coordination instruction. If ___Bill No. ___
 20 [LC 1288], including the section of that bill relating to
 21 professional engineers and land surveyors, is passed and
 22 approved, the specific dollar amounts of fee changes in
 23 sections 1 and 3 will not become effective. The fees will be
 24 established as provided in ___Bill No. ___ [LC 1288]. The
 25 remaining parts of this act will be unaffected by ___Bill

HB 0725/03

1 No. ___ [LC 1288].

-End-

March 13, 1981

SENATE STANDING COMMITTEE REPORT
(State Administration)

That House Bill No. 725 be amended as follows:

1. Page 6, line 16.

Following: "amount"

Strike: "equal to"

Insert: "not to exceed"