

BEFORE THE BOARD OF PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 24.183.408 authorization,)
24.183.502 applications, 24.183.509)
examination procedures, 24.183.2105)
continuing education, and)
24.183.2401 screening panel)

TO: All Concerned Persons

1. On September 10, 2009, the Board of Professional Engineers (board) published MAR Notice No. 24-183-35 regarding the public hearing on the proposed amendment of the above-stated rules, at page 1554 of the 2009 Montana Administrative Register, issue no. 17.

2. On October 1, 2009, a public hearing was held on the proposed amendment of the above-stated rules in Helena. Numerous comments were received by the October 9, 2009, comment deadline.

3. The board has thoroughly considered the comments received. A summary of the comments received and the board's responses are as follows:

COMMENT 1: Several comments were made in support of the proposed amendments to ARM 24.183.408, 24.183.502, 24.183.509, and 24.183.2401.

RESPONSE 1: The board appreciates all comments made during the rulemaking process and is amending these rules exactly as proposed.

COMMENT 2: One commenter suggested the board add one professional engineer and one professional land surveyor to the board's screening panel instead of adding two professional engineers.

RESPONSE 2: The board notes that in terms of total Montana licensees, the ratio of professional engineers to professional land surveyors is 11 to 1. The increase in screening panel members helps assure the presence of a quorum and better reflects this ratio. The board is amending ARM 24.183.2401 exactly as proposed.

COMMENT 3: The board received numerous comments in opposition to most of the proposed amendments to ARM 24.183.2105. Commenters stated the changes are unnecessary, too sweeping, and that Montana's continuing education (CE) standards should remain consistent with those of the National Council of Examiners for Engineering and Surveying (NCEES) and nearby states. Other commenters

expressed concern and possible confusion as to the administrative rulemaking process and a perceived inadequate publication of the rulemaking notice.

RESPONSE 3: Following discussion, the board decided to not proceed with any amendments to ARM 24.183.2105 at this time.

COMMENT 4: One commenter supported the proposed reduction in the number of allowable CE carryover hours in ARM 24.183.2105.

RESPONSE 4: Because the board decided not to amend the CE rule at this time, the entire rule will remain in its current form.

COMMENT 5: Several commenters supported amending ARM 24.183.2105 to extend the CE recordkeeping requirement to two full renewal cycles.

RESPONSE 5: The board appreciates all comments made during the rulemaking process and will consider making this amendment in the future.

4. The board has amended ARM 24.183.408, 24.183.502, 24.183.509, and 24.183.2401 exactly as proposed.

5. The board did not amend ARM 24.183.2105 as proposed.

BOARD OF PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS
DAVID ELIAS, PRESIDING OFFICER

/s/ DARCEE L. MOE
Darcee L. Moe
Alternate Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State February 16, 2010